App. F. IX-4

1940

193 .

( )

Legis

PRESERVED

File No. 43-40

Serial Nos. 1

Previous References

Later References.

Legis 169-42, 46, 44, 14, 18, 27-29

(176)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One only

Part ~~B~~ A for February 1941

SUBJECT.

The Mysore Elementary Education Bill

WD 0573—GPB—22,500—12-9-39

A Lingarajah
13.5.41

Subject:-- Final report of the Special Committee on Elementary Education.

Control of Primary Education.

1) The main recommendations of the Elementary Education Committee are the following:--

(i) That the control of Primary Education now vested in the L.E.A's may be taken over by Government.

If this is accepted, the Elementary Education Act has to be abrogated, and the Primary Schools have to be administered by the Department of Public Instruction. The Elementary Education funds at the credit of several L.E.A's have also to be taken over by Government.

Co-operation of Public Bodies.

(ii) That District Committees and a Central Board of Primary Education, with a view to secure the co-operation of the Public in furthering Primary Education, be constituted on a statutory basis.

2) If this is to be on a statutory basis, another enactment has to be framed.

Expansion.

(iii) that about 1000 Primary Schools be started in villages with a population of 500 and above in the Maidan and the more important villages, and a population of 300 and above in the Malnad, where there are no schools at present, suitable provision being made for Urdu Education as well.

3) It is proposed that every year 250 schools should be started so that in four years all the thousand schools will be opened. The recurring and non-recurring cost during each of the four year period will be as noted below:--

Year.	Recurring.	Non.recurring.
1st year.	76,162½	31,250
IInd "	1,52,325	31,250
IIIrd "	2,28,487½	31,250
IVth "	3,04,650	31.250

Inspecting Agency.

(iv) that 25 additional Inspectors with their staff and a Deputy Director of Public Instruction be appointed for the efficient administration and inspection of Primary Schools.

4) It is proposed to redistribute the number of Primary Schools, so that an Assistant Inspector may not have more than 100 schools under his direct charge. The cost of appointing 25 Assistant Inspectors and a Deputy Director of Public Instruction with their staff will be as follows:--

	Recurring. Rs.	Non-recurring. Rs.
25 Asst. Inspectors and their staff.	56,800 p.a.	11,256¼
Dy. Director of Public Instruction and his staff.	22,734 p.a	4,038¼
Total.	79,534 p.a.	15,294½

Finance.

(v)(a) that an additional cess of three pies in the rupee be levied on all items of Land, Excise, and Forest Revenue on which local cess is levied and

(v)(b) that an education cess of one anna in the rupee be levied on the following items of Municipal revenue.

(1) taxes on buildings and lands
(2) taxes on Vehicles and animals and
(3) Professional tax.

5. It is expected that the realisations of cess collections levied on items of land revenue referred to in (a) will be Rs.2,75,000 and on items of Municipal Revenue referred to in (b) will be Rs.58,620 or a total of Rs.3,33,620. It is proposed that Government should give a contribution equivalent to the realisation from the Education Cess on Land Revenue and on items of Municipal Revenue. If this is done, the total amount that would be available for expenditure will be Rs.6,67,240. Whether the Government, with their present resources and commitments could make a contribution to the extent of cess collections, is a matter for consideration.

The balance out of the realisations from Education Cess and the Government contribution after meeting the recurring and non-recurring charges on account of opening 250 additional schools every year for a period of 4 years, and of the appointment of additional inspecting staff will be as noted below:--

Year.	Total additional amount available for expenditure ~~for the division~~	Opening of new schools.		Cost on account of inspecting staff.		Total.	Balance.
		recurring	Non-recurring	recurring	Non-recurring.		
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1st year.	6,67,240	76,162½	31,250	79,534	1,5294½	2,02,241	4,64,999
2nd year	6,67,240	1,52,325	31,250	79,534	..	2,63,109	4,04,131
3rd year	6,67,240	2,28,487½	31,250	79,534	..	3,39,271½	3,27,968½
4th year	6,67,240	3,04,650	31,250	79,534	..	4,15,434	2,51,806

It will thus be seen that there will be an aggregate balance of Rs.14,48,904½ for the first four years. From the fifth year onwards the balance after meeting the recurring charges will be Rs.2,83,056 p-a-. These balance may be utilised for construction of buildings and for improvement of equipment and staff of the existing primary schools.

6. Since the sections in the District Board and the Municipal Regulations authorising the local bodies to levy Education cess were repealed when the Elementary Education Act came into existence and as this Act has now to be abrogated, the authority for levying the Education Cess has to be

determined. Education Cess was being levied under executive orders of Government ~~par~~ prior to the inclusion of section 67 in the District Board Regulation of 1926 which was repealed after the introduction of the Elementary Education Act. In the enactment to be framed for giving a statutory basis for the consultative Committee, Government may take power to ~~xey~~ levy the additional education cess.

Levy of fees in Middle Schools.

7 The Committee have also recommended the levy of fees in Middle Schools situated in District and Taluk Head quarter places for boys at the rates as noted in the margin and for girls at half the rates for boys, making provision in both cases of free studentships to the extent of 40 per cent of the strength of schools. It is expected that the realisations from fees in the case of boys will be Rs.1,11,407 per annum. This amount is proposed to be funded and utilised for the opening of more middle schools and for providing more competent staff and better equipment to the existing ones.

	Kannada	Urdu.
IV year	1 8 0	0 12 0
III "	1 4 0	0 10 0
II "	1 0 0	0 8 0
I "	0 12 0	0 6 0

8 The total expenditure on Primary Education including Buildings as per the sanctioned budget estimates of Government and of L.E.A's for 1939-40 is Rs.24,05,049. The Government grant is Rs.16,33,371 and the amount met out of Education Cess income is Rs.6,47,992. The balance is met out of other income such as fees &c., and out of the closing balance of the previous year. If

OFFICE OF THE SECOND MEMBER OF COUNCIL, 30 NOV. 1939 No. 4603

additional cess is levied and Government contribute an equal sum as recommended by the Elementary Education Committee, the amount available for expenditure for Primary Education will be as follows:--

	Rs.
(i) Total amount for Primary Education.	30,72,289
(ii) Government share of the expenditure	19,66,991
(iii) Amount from Education Cess.	9,81,612

9 2nd member)

10 The foregoing is a summary of the recommendations made by the Ed. Committee. The matter, I suggest, may be discussed at a meeting of the Council. It is obvious that the proposals involve an additional expenditure of 3½ lakhs per annum by Govt, but the purpose thereof is intended to be specific & so important, & the clamour for its realisation is so insistent that this aspect may have to be faced.

12) MS 14-1-40

13) Check by Mr. Campbell)

11) Decision)

Final Report of the Special Committee on Elementary Education

6

General and Revenue Secretariat.

File No. ——— of 19

[App. F. III-2

Serial No.	
14 submitted with a circulation Memo 2 12/1/40. 15 Signed 15/1 1671	

NOTE—Contn. Sheet

For Disposal at a meeting. No. C. 283

193 9-40.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

Subject

(clause.....of the schedule)

Final Report of the Special Committee on Elementary Education.

16) *Circulated to the Members of Council.*

By Order,

Cheif Secretary to Government.

16th January 1940.

6801 17.1.40

First Member of Council. 17) 17/1/40.

18) CB. 17.1.40

Second Member of Council. (seen)

8

Extract from the Proceedings of the 983rd *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 13th February 1940. *19*

27. Subject.

Final Report on the Special Committee on Elementary Education.

OPINION OF THE COUNCIL.

19) **The recommendations of the Committee may be accepted in all matters except the one relating to the levy of additional cess on Land Revenue.**

(Signed) MIRZA M. ISMAIL,

Dewan of Mysore.

20) Financial Secretary)
with compliments.)

MK 14/2

P. J. O.

"EXTRACT"

Chief Secretary to Government.

WD 1471—GPB—2,000—1-3-21

Serial No.

2) I thoroughly appreciate the need for Governmen to find adequate resources to meet the expanding need of this important measure, but it cannot also be gain said that there are no other beneficient activities of Government clamantly demanding attention and the amount that can be set apart every year for each such activity can be fixed only with reference to the total recurring cash resources that can be made available for the purpose after meeting the out-go on account of the sanctioned commitments. The only convenient time to consider the additional amount to be allowed in our estimates, as a forward policy, for this purpose is the final budget time, when alone Government will have an idea of the total demands against the purse of Government awaiting provision of funds and the total money resources available for such extra allotments of the several Departments in the relative order of their priority and urgency.

2) According to one of the Committee's recommendations, an additional cess of three pies in the Rupee has to be levied on all items of Land, Excise and Forest revenue on which local cess is now levied, and an education cess also of one anna in the Rupee on certain items of Municipal revenue, ~~under~~ both of which counts on a total income of Rs. 3,33,620, ~~is expected to be realised~~ and Government having to make an equal contribution. According to the Council resolution,

NOTE—Contn. Sheet

P.T.O.

Serial No.

resolution, additional cess will not be levied on Land Revenue, and this reduces the estimated total income from cesses by about Rs. 2 lakhs (from Rs. 3.34 lakhs to Rs. 1.34 lakhs). Taking the minimum contribution of Government at Rs. 1.34 lakhs (though it will be difficult to find even this sum), the total amount available will be only Rs. 2.68 lakhs every year (against Rs. 6.68 lakhs now taken into account). Sufficient money will not be available from the third year onwards for giving effect to the recommendations of the Committee regarding the opening of 1,000 new schools in the next four years and the entertainment of extra administrative, supervisory and inspection staff. I would therefore urge for consideration whether the expansion of Primary Education may not be slowed down somewhat to permit of the opening of 1,000 schools in five or six years instead of four years. Expenditure on account of supervisory staff has also to be reduced to some extent.

23 Under present uncertain economic and political conditions, the Finance Department has to plead for the avoidance of additions to recurring expenditure to the largest extent possible.

20.2.40

20/2

24 2nd Member of Devan

25 This was given to me by the 2nd Member to put up a revised note of objects & reasons, on the basis that education cess is to be levied on all items on which local cess is levied. He was pleased to say that exclusion of any item may be considered in the light of the discussions in the R.A. 27/2/40

Serial No.

A/

26 A revised note, which may serve as a Statement of Objects & Reasons for the new Elementary Education Act is put up for consideration. It may, I think, be forwarded unofficially, along with the draft bill put up by Dr Kuri, to the D.P.I for scrutiny & remarks as aforesaid.

2412
9.9.40

2nd Member)

27 A. may be placed before the next session of the R.A Draft Bill is strictly not necessary at this stage. He may however get it scrutinised & remarks separately

9/9

28 A. as it will be put up for Dr Ws information

29 Put by please Action after 13.9.40

Action will however be taken in anticipation of sanction in view of the short time between now & the date that the agenda has to issue

13.9.40

30 13-9-40

13/9 Dewan 14/9

Recommendations of the Elementary Edn Committee

Edn File No. 1342 of 193

General and Revenue Secretariat

Serial No.

31- Submitted with a D.F.N. and a D.S.N. (Copies of the Statement of general principles have been sent both to the R.A. Office and the Protection Bn (Legislative Section) Guernsey) 16/9/40 16/9 a 17/9

DEFENCE OF 2C NO 1868

2nd Member) 17/9 a 17/9

2690 17.9.40

33- Signed Final Note placed below

20.9.40 34 D.F.N. and S. Devan) 25/9 a

Final Note by the Second Member of Council.

Subject.— Repeal of the Elementary Education Act, X of 1930 and its amendment Act, V of 1933, and the introduction of new legislation enabling Government to take over the management and control of Primary Education from the Local Education Authorities.

35 It is ten years since the Elementary Education Act, X of 1930 was passed, and the management and control of Primary Education was handed over to the Local Education Authorities. These bodies were required to prepare within a period of one year after the Act came into force, a programme of educational expansion on a voluntary basis, so as to provide, within a period not exceeding ten years, for a sufficient number of primary schools for children, not being less than six or more than twelve years of age, who are likely to attend schools, and also, to submit within a period of ten years, a programme of compulsory education of all children between the ages of six and ten years, within the local limits of their jurisdiction.

36 2. The expectation entertained in 1930, that a great fillip would be given to educational expansion by the transfer of control and responsibility to local bodies has not been realised. There has been no appreciable increase, either in the number of schools or pupils. The provisions of the Act of 1930, enabling Government to take steps in regard to expansion schemes, should the local bodies fail to do so, have contributed to a great extent to make them apathetic and adopt an attitude of wait and see.

37 3. With a view to remedy this state of affairs, a Committee was constituted in 1937, to investigate into the causes for the slow progress made so far, and to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care, the Committee has come to the conclusion, that the interests of Primary Education have not advanced very much after the control was made over to the Local Education Authorities, and that it would be far better for Government to resume charge of Primary Education and —

administer the same through the Department of Public Instruction. The main feature of the scheme is that every village in the State with a population of 500 and above in the Maidan and 300 and above in the Malnad in which there are no schools at present should be provided with a school immediately. The recommendation is to start 1,000 schools, 250 each year, so that, in about four years, the wants of almost all these villages may be met. As regards finance, the Committee has suggested that an additional cess of 3 pies in the rupee be levied on all items of Land, Excise, and Forest Revenue on which local cess is now levied, and a cess of one anna in the rupee on certain items of Municipal Revenue. This levy is expected to yield about 3.3 lakhs and it has been suggested that Government should make an equal contribution. It is also recommended that representatives of the people should continue to be associated with Government in the work connected with the expansion of Elementary Education, as such representatives with their experience and intimate knowledge of local requirements could give valuable advice in this respect and that this association should be on a statutory footing. The Committee has therefore proposed ~~for~~ the constitution of representative bodies to be called District Committees, one for each District, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government. The Central Board will consist of representatives sent by District Committees, each committee having one representative on the Board and the Government nominating an equal number.

38) 4. Each District will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective Districts.

39) 5. Legislation is necessary, not only to abrogate the Elementary Education Act, X of 1930, and also the amendment to it viz., Act V of 1933, but to give effect to the recommendations of the Committee. The draft Bill has been prepared and this will be got scrutinized separately. The general principles of the

(F.N.—contn.)

proposed Bill will be placed before the Representative Assembly at its next Session in October 1940 for expression of opinion.

4o 6. The papers are submitted for the gracious perusal of His Highness.

M V Anantarama Iyer
SECOND MEMBER OF COUNCIL.

Bangalore,
19th September 1940.

Submitted to His Highness.

(91) *I submit herewith a Final Note by the* Second *Member of Council on the subject of* the introduction of new legislation enabling Government to take over the management and control of Primary Education from the Local Education Authorities, *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

Bangalore,
21st September 1940.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Introduction of new legislation enabling Government to take over the management and control of Primary Education from the Local Education Authorities

43) Check Seq.
Hon.
26.9.40

No. 166

Order.

42) RW.
24/9/'40.

44) MS
26.9.40

General and Revenue
Secretariat.

1362
C.152.

18-

SUBJECT:—

Introduction of new legislation enabling Govt to take over the management and control of primary Education from the local Education authorities.

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

(45) Circulated to Members of Council for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

(46) Through the Secretary to Government,

.....General.....Department.

26/9

3088
26.9.40

FIRST MEMBER OF COUNCIL. (47)

27/9/40

(48)

3157
27.9.40

SECOND MEMBER OF COUNCIL.

28/9

(49) Gen. Secy. With Compliments

MK
28/9/40

(50)

NOTE.—Contn. sheet

WD 01152—GPB—750—21-12-38

New Elementary Education Act

General and Revenue Secretariat | Edn File No. of 194 | [App. F. III-2

Serial No.

51) The statement of general principles of the New Ele. Edn Act was discussed in the last R.A. Kind refce. is invited to paras 3 to 5 of the Closing Speech of the Dewan in the R.A

52. The D.P.I has suggested in his letter No D5-5335-466 & 39-40 of 16-7-40 that certain points re: the number of times the E.C. Committee and the Central Board must have to be specified in the bill and that if appears that they should meet more than once.

Edn 288-39-1 Flag A

53. The draft bill will have to be placed before the L.C.

54) The point that has to be settled now is about the levy of additional education cess.

~~The whole~~ papers submitted for orders.

55) In the schedule annexed to the Bill re the ~~rep~~ repeal of the enactments it is mentioned, the Mad. Reg. & the Dis Dist Bd. regulations without Regn. to particular Sections in them. So also it is proposed to repeal the Ele Edn Regn of 1913. The enactments were repealed at the time the Ele Edn act of 1930 was promulgated. The act of 1930 & its amendment act VI 1933

NOTE—Contn. Sheet.

New Elementary Education

File No. 17412 of 194

General and Revenue Secretariat

Serial No.

are now to be repealed. It is for consideration whether the old Ordinances also have to be specifically repealed now. The Laws & legislative Reforms have to be considered.

29/10 (57 Secy) 29/10.

58) The draft bill may be sent in the first instance to the D.P.I for scrutiny & remarks within a fortnight:

2nd member) 29/10 59) Ell 2. 29/10

29/10 29/10

2/11 2/11

60. Subd with a draft.

2/11 2/11

2/11/40

To the D.P.I:

No. E 1356 dated 2.11.40

Pds for favour of scrutiny and return with his remarks the draft bill of the New Ele Edu Ord. 2.

(the draft Bill was framed in the light of the opinions then received from the

GENERAL SECRETARY 29 OCT. 1940 2757

OFFICE OF THE SECOND MEMBER 29 OCT. 1940 No. 4193.

file returned from Director on 17-1-41.

3340 Pdlo

Serial No.

1040

No. 3665

L. & REV. SECRETARIAT. 29 NOV. 1940 3665 BANGALORE

OFFICE OF THE FIRST MEMBER OF COUNCIL DEC 3 1940 No. 5505

A copy of the Revised Mysore Elementary Education Bill is sent herewith for favour of scrutiny & remarks.

Law Secy
with Compts)

28/11

Hm 2 28/11

3 29/11

The Bill has been scrutinised. It seems to be in order.

Gen Secy)
MC.)

Hm 2 29/11/40

3 30/11/40

30/11

The Bill was discussed in the Second Member's Chambers with the O.P.D. The revised Bill is submitted. The same may be sent to L.C. Office for publication.

II Member)
1st 30/11
Dewan)

Hm 2 2/12/40

3/12

3/12/40

3-12-40

5483
2-12-40

Hm 2 5/12

5/12

Typing ~~required to be made~~ ~~clean copies of Bill~~

L.C. Office with 2 copies of Bill for further action

2 copies taken and the file returned

6.12.40

Section Branch)

Immediate

OFFICE OF THE [illegible]

NOTE—Contn. Sheet.

Elementary Education Bill 3310/6

File No. of 194 General and Revenue Secretariat

Serial No.

The Statement of general principles of the bill as put up.

A Statement of objects and Reasons has to be published along with the Bill. It may not perhaps be necessary to adopt the St. of Gen. Principles as the St. of Objects and Reasons, as it is very lengthy and the Bill itself is being published.

A short St. of Objects & Reasons is submitted. If approved it will be published along with the Bill

9/12/40 The statement may be approved

9/12

Law Secy)

II Member, 9/12

9.12

I Member) 9/12/40

9/12/40

10/12

2 copies, Corrected Draft and St of Objects & Reasons (3 copies) sent herewith for print ation

10/12 3 copies taken & the file returned.

10.12.40.

OFFICE OF THE SECOND MEMBER OF COUNCIL
- 9 DEC 1940
No. 5769

OFFICE OF THE FIRST MEMBER OF COUNCIL
DEC 9 1940
No. 5772

3310

Mysore Elementary Education Bill

General and Revenue Secretariat | File No. 1325 of 194 . [App. F. III-2

Serial No.

The Bill has been published in the Gazette of 12th Dec 1940.

Submitted for orders if the following motions may be put included in the Agenda of the ensuing Lc.

1: Motion that the Bill published under rule 8 of the rules of Business be read in Council

Mover — II Nd Member

Seconder — General Secretary.

2. Motion that the Bill be referred to a Select Committee with instructions to report before the close of the session.

Mover — II Nd Member

Seconder — General Secretary

3. Motion that the report of the Select Committee on the Bill and the Bill as amended by them be taken into Consideration

Mover — II Nd Member

Seconder — General Secretary.

4. Motion that the Bill as amended be passed

Mover — II Nd Member

Seconder — General Secretary.

Done 30/12/40.

MAM 31/12

Law Secy)

II Member)

Chief Gen Secy)

GENERAL SECRETARY. 31 DEC. 1940 3960.

SECOND MEMBER OF COUNCIL. 31 DEC. 1940 No. 6043

Hm 2 31.12

31/12

31.12

To Lic Sec for note & return

Hm 2 2/1/41. MAM 2/1

Sm 2/1/41

Noted & returned.

4.1.41

Public Section Branch)

NOTE—Contn. Sheet.

Mysore Elementary Education Bill

D. 1530 — 330/6

File No. of 194 | General and Revenue Secretariat

Serial No.

The Bill was introduced in the Legislative Council on the 15th January 1941 and was referred to a Select Committee consisting of the following members

The IInd Member of Council - Chairman
Mr. E. G. Mc Alpine
" Abbas Khan
" D. H. Channaiahsharaiya
" H. B. Gundappa Gowda
" D. V. Gundappa
" H. V. Narayana Rao (Law Secretary)
" T. Attaiee Gowda (General Secretary)
" H. Linigappa
" A. V. Raghavachar (Financial Secretary)

with instructions to report in the same session.

The Select Committee met on the 16th morning. All the clauses of the Bill were scrutinised and the report of the Select Committee and Bill as amended were given to the members of the Council the same day.

The report of the Select Committee was taken into Consideration on the 17th January 1941. Certain members of the Council have found some amendments were moved which were withdrawn or rejected.

The Bill as amended was finally passed after one amendment moved by the IInd Member was accepted by the House.

The Law Office has offered to register 6 post copies of the amendments moved on the floor of the House by the members and by the IInd member of Council.

25-1-41

To

The Law Officer

The Mysore Elementary Education Bill 3310
P

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

The amendments are all placed in red ink.
Submitted for orders with a draft F.N.S.
for consideration
JNRW 30/1
30.1.41

Law Secy)

II Member)

Hm 30/1/41 JNRW 31/1

Please see correction made by me. Verify if it is correct
RC 31.1

Hm 2 31/1/41. JNRW 31/1

Reference Members minute above. A copy of the relevant portion of the Members speech at the Lc. is put up

JNRW 5/2
5.2.41.

Law Secy)

II Member)

Hm 2 5/2/41. JNRW 6/2

RC 6.2

Flag A

The D.J.N. as amended embodies the promise made in the L.C. correctly.
5.392

Signed Final Note placed Below.

RR 11.2.41.

S.N. Submitted

Dewan)

Hm 2 11/2/41. JNRW 11/2

NOTE—Contn. Sheet.

OFFICE OF THE SECOND MEMBER OF COUNCIL
11 FEB. 1941
NO 5170
5170
30/1

OFFICE OF THE SECOND MEMBER OF COUNCIL
31 JAN. 1941
No. 7476

OFFICE OF THE SECOND MEMBER OF COUNCIL
- 6 FEB. 1941
No. 7730

Final Note by the Second Member of Council.

Subject.— Promulgation of the Mysore Elementary Education Bill.

S The gracious approval of His Highness was accorded on the 24th September 1940 for the introduction of new legislation enabling Government to take over the management and control of Primary Education from Local Education Authorities.

The general principles of a Bill drafted for this purpose T were placed before the Representative Assembly in October 1940 and approved by the House. Some members of the Assembly were, however, of opinion that the proposal contained in the Bill for the levy of additional cess on items of State Revenue, on which local cess is now levied, should be exclusive of land revenue, as the present agricultural conditions did not permit of such a levy. Government promised that the representation would be considered sympathetically.

The Bill was introduced in the Legislative Council during it recent session and was referred by it to a Select Committee with instructions to report before the close of the session. The Select R Committee met on the 16th January 1941 and copies of the report and the Bill as amended by them were placed in the hands of the members on the same day. The matter was taken into consideration on the next day and the Bill was passed with a slight verbal change in clause 17.

Government gave an undertaking to the House that they would not levy any additional cess on ryotwar assessment until agricultural conditions improve.

I solicit the gracious sanction of His Highness to promulgate the Bill, as finally approved by the Legislative Council, into Law.

M. Visvesvaraya

SECOND MEMBER OF COUNCIL.

Bangalore,
8th February 1941.

Submitted to His Highness.

I submit herewith a Final Note by the SECOND *Member of Council on the Subject of* the promulgation of the Mysore Elementary Education Bill into law, *for His Highness' gracious approval.*

Mirza M. Ismail

Dewan.

Bangalore,
11th February 1941.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation of the Mysore Elementary Education Bill into law.

Reg Secy
Dw
16-2-41

Order.

No. 534
CB
Dw
17/2

RW.
12/2/41

3310/40

C 426

General and Revenue Secretariat.

SUBJECT:—

Promulgation of the Nyasa Elementary Education Bill into Law.

(*)

31 All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Members of Council for perusal of His Highness, orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

M. Venkatasalyengar
Ag. *Chief Secretary to Government.*

Through the Secretary to Government,

.....Law.....Department. Hm 17/2/41

FIRST MEMBER OF COUNCIL. RLL 17/2/41

17.2.41

SECOND MEMBER OF COUNCIL.

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17.2.41

Further action has to be taken

Secy to Govt Law Dept
with Compliments. RLL 19/2/41

Hm 19/2 19/2/41

GENERAL & REV. SECRETARIAT
20 FEB 1941
SECTION

NOTE.—Contn. sheet

WD 01163—GPB—3000—15-10-40

The Mysore Elementary Education Act 3310/F

General and Revenue Secretariat | Legis File No. | of 1940. | [App. F. III-2

Serial No.

The passing assent of His Highness was accorded on the 12th February 1941 to promulgate the Bill into law.

Draft of a G.O. directing Publication of the Act as Act No. VI of 1941 is put up for approval.

Sd/- 20.2.41

may be approved
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Law Secy)

Sd/- 21/2

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Issued
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Issued G.O. No. 4375 - Legis 43-40-10 dated 22nd February 1941 directing publication of the Act as Act VI of 1940

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NOTE—Contn. Sheet.

THE MYSORE REPRESENTATIVE ASSEMBLY.

DASARA SESSION.

Dewan-President's Concluding Remarks.

19th October 1940.

MEMBERS OF THE REPRESENTATIVE ASSEMBLY,

AFTER a long and strenuous session, I feel I should be as brief as possible in my concluding remarks.

We have had the great satisfaction of disposing of all the 224 representations on the agenda.

2 As regards the resolutions, one of the most important of those discussed was that recommending the abolition of District Boards. This resolution, which was passed by a large majority, raises a very important issue affecting local administration, and all I can say now is that Government will give all aspects of the matter their careful consideration.

3 Government placed before the House a statement of the general principles of the Elementary Education Bill. The discussion which took place revealed the fact that all members were anxious that the problem of elementary education in the State should be energetically tackled and a forward move made. There was unanimity of opinion that Government should resume control of elementary education, in order that the necessary programme of expansion should at once be undertaken. The Special Committee appointed to enquire into the working of the Elementary Education Regulation recommended that one thousand new primary schools should be started during the next four years, at the rate of 250 schools per year. This scheme, along with the necessary expansion of the Inspectorate, and an adequate controlling agency, will cost a good many lakhs of rupees annually. The additional cost was proposed by the Committee to be met by the levy of a cess of 3 pies in the rupee on all items of Land, Excise and Forest revenue on which local cess is now levied, as well as by a cess of one anna in the rupee on certain items of Municipal revenue. A sum equal to the total amount accruing from all these sources was proposed to be contributed by Government. During the discussion on the Bill, certain members of this House represented that in the present state of agriculture, it would not be fair to burden the ryot with an increased cess on Land revenue. It was also suggested that the rate of cess on items of Municipal revenue might be adjusted in order to differentiate between City, Town and Minor Municipalities.

4 The members of this House will realise that one of the main reasons why Government are proposing to resume

control of elementary education is to ensure a steady advance in the number of primary schools and in the number of pupils attending them. No real advance is possible unless a fairly large additional revenue is found each year. Bearing in mind that the provision of additional funds is an essential part of the scheme, Government will carefully consider the various representations that were made regarding the levy of the different cesses, and will see what can be done to make suitable adjustments. In the last resort, however, the financial issue cannot be evaded, and less money automatically means fewer new schools.

5. When the Department of Public Instruction takes over charge of elementary education, it will be necessary to appoint, as recommended by the Special Committee, a Deputy Director of Public Instruction who will be in charge of elementary education. Before the Department can resume control, however, there is a great deal of preliminary work to be done, and since the general principle of the Bill has met with such unanimous approval in the House, Government propose to take immediate action to start the office of the Deputy Director in charge of elementary education, in order that all the preliminary work may be completed in time for the resumption of control by the Department, as soon as can conveniently be done after the Bill passes through the Legislative Council.

6. This is the last meeting of the present Representative Assembly which may well be proud of its splendid record of work. The next Assembly will be one constituted under the Reforms.

7 In wishing you good-bye on this notable occasion, let me extend to those of you who are going to stand in the coming elections, my sincere good wishes for your success, and to all of you, let me offer my warm thanks for the friendly manner in which you have co-operated with me and my colleagues in disposing of the business of the House during the four years that we have worked together.

8 By your attitude of trust, understanding and practical good sense you have rendered most valuable service to Government and enabled Government to render service to the State which otherwise it would have been difficult for them to do.

9 I commend your fine spirit. I thank you for all your support. I am grateful for all your suggestions. The more the Government and you, members of the Legislature, can work together in this spirit of mutual understanding and friendliness, supplementing each others' efforts in promoting the best interests of the State, the more happy and comfortable will you yourselves feel, the more proud will be the friends of democratic institutions, and the greater will be the benefit to the State.

10 I say this, believe me, not as the Dewan of the State, nor even as the President of the Assembly, but purely and simply as a citizen of the State, as one of yourselves, whose only ambition has been to help the State and its people to move from progress to progress.

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R. H. Oct 1940

applied at all. They were intended to create a fear in the minds of the people that any breach of law on their part would make them liable for punishment. It was with that object that the amendment had been proposed. Unless there was such a statutory provision, it was not possible to collect the municipal dues promptly.

As had already been pointed out, it was the rich that evaded payment and as such this would be applied in their cases and not in the case of the poor who need not be afraid of any such provision at all, because they were paying their dues regularly. The proposed measure was absolutely necessary. If, however, it was considered that the period of 15 days now fixed for the payment of the dues from the date of the issue of notice was considered very short, it might be increased to a month. By introducing the proposed measure, he thought that the system of shanbhogs collecting taxes might be done away with. Merely because it had not been found possible to collect the arrears enforcing the existing law, power was proposed to be taken to launch cases before magistrates. The measure was a wholesome one and should be introduced without any delay.

Mr. K. V. ANANTARAMAN assured the members that it was not the object of Government to put the people to unnecessary trouble. For many reasons, collection of taxes was not quite satisfactory, in spite of the fact that additional establishment was sanctioned for the purpose. It was a wellknown fact that without funds no improvement work could be undertaken. The members need have no fear that this provision would be enforced in all cases. Before cases were filed in the Magistrate's Court, the Managing Committee of the municipality would discuss the necessity or otherwise for such a course. For these reasons, he hoped that the members would accept the general principles of the measure before the House.

Thereupon the general principles of the bill were put to vote and lost, 17 voting for and the majority of the House voting against.

II. General Principles of the Elementary Education Bill.

The SECRETARY to GOVERNMENT, GENERAL DEPARTMENT (Mr. J. Appaji Gowda) explained the general principles of the bill as follows :—

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The need for the wider diffusion of primary education, both as means of securing social and economic efficiency, and of enriching and elevating the lives of individuals, has long been recognised, and it has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reach the goal of universal elementary education. In order to attain this object, they have, from time to time, made provision for an increasing association of representatives of the people in all schemes and programmes connected with this work.

The culmination of this policy was reached in 1930, when the Elementary Education Act was placed on the Statute Book. The local bodies were completely invested with powers for providing and controlling olementary education in their areas. Eight District and four Town Local Educational Authorities came into extence and to their administrative control, all Government primary Schools and village aided schools situated in the respective local areas with their staff, buildings, equipment, etc., were transferred with effect from 1st July 1931. These bodies were charged with the responsibility for the consolidation, expansion and development of Elementary Education within their respective limits of jurisdiction. An Elementary Education fund was constituted for each Local Education Authority to which were transferred, the amounts spent on primary education from the State Fund and the proceeds of Education Cess levied.

These bodies were required to prepare within a period of one year after the Act came into force, a programme of educational expansion on a voluntary basis, so as to provide, within a period not exceeding ten years for a sufficient number of schools for all children, not being less than six or more than twelve years of age, who were likely to attend schools for elementary education, and also to submit within a period of ten years, a programme of compulsory education of all children between the ages of six and ten years, within the local limits of their jurisdiction.

The expectation entertained in 1930, that a great filip would be given to expansion by the transfer of control and responsibility to local bodies has not been realised. Though it is nearly a decade since the Elementary Education Act was passed, there is not an appreciable increase either in the number of schools or in the number of scholars. Many causes seem to have contributed towards this disappointing result, the most important being that of finance. There has been a feeling among the local bodies that recourse to levy of fresh taxation would be unpopular, particularly at a time of agricultural and general depression. The provisions of the Act of 1930 enabling Government to take steps in regard to expansion schemes should the local bodies fail to do so, have contributed to a great extent, to make them apathetic and adopt an attitude of waiting.

With a view to remedy this state of affairs, a committee was constituted in 1937 to investigate into the causes for

the slow progress made so far and to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care, the committee has come to the conclusion that the interests of primary Education have not advanced very much after the control was made over to the Local Education Authorities, and that the present state of stagnation cannot be allowed to continue any longer, without detriment to the larger interests of the State, and that some forward step must be taken immediately. The committee is of opinion that it would be far better for Government to resume charge of Primary Education and that primary schools should be administered by them through the Department of Public Instruction. The same view has been definitely advanced by the Hartog Committee. The committee has, at the same time, added that these measures and particularly the financial arrangements should be such as are acceptable to a large section of the public.

The essence of its scheme is that every village in the State with a population of 500 and above in the maidán and of and above in the Malnad in which there are no schools at present should be provided with a school immediately. The number of such villages being roughly about 750, the recommendation is to start 1,000 schools, 250 each year, so that in about 4 years the wants of almost all these villages may be met.

The expenditure on education is steadily growing and Government cannot, consistent with their present financial recourses and the demands which they have to meet in several directions, undertake to shoulder the entire responsibility for financing the expansion of elementary education as outlined above. Additional resources have, therefore, to be made available if the object in view is to be achieved. The committee has, therefore, suggested that a cess of three pies in the rupee be levied on all items of Land, Excise and Forest Revenue on which local cess is now levied, and a cess of one anna in the rupee on certain items of Municipal Revenue, and this is expected to yield about Rs. 33 lakhs and that Government should make an equal contribution, so that the scheme as proposed may be easily worked out.

While it is recommended that Government should take over control of primary education, it is also suggested that provision should be made for the association of representatives of the people with the work connected with the expansion of elementary education, as such representatives with their experience and intimate knowledge of local requirements could give valuable advice in this respect. It is also considered necessary that such association should be on a statutory footing.

The draft bill now under consideration repeals and supersedes the Elementary Education Act of 1939 and also the amendment to it, *viz.*, Act V of 1933, and it is a short measure enabling Government to take over the management and control of primary education from the Local Education Authorities.

In the draft bill, provision is also made for the constitution of representative bodies—District Committees, one

for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu Education, Depressed Class and Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sens by the District Committees each committee having one representative on the Board and the Government nominating as equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to elementary education funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees, will help to carry forward to a substantial extent the expansion, consolidaation and improvement of elementary education in the State.

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Mr. MAYI GOWDA said that already the people were paying an education cess of 6 pies on land revenue and 3 pies on mohatarfa also.

The SECOND MEMBER (Rajamantragravina K. V. Anantaraman) observed that the cess on mohatarfa was not being paid in all places.

Mr. B. L. BYANNA enquired as to why the subject regarding the levy of fees in middle schools had not been included in the bill.

Mr. K. V. ANANTARAMAN observed that it was a different subject altogether.

Mr. Y. V. MUNISWAMY IYER enquired whether the cess of 3 pies now proposed, would be in addition to the cess of 6 pies which is already being paid by the people.

Mr. K. V. ANANTARAMAN replied in the affirmative; and for the information of the member, read out the recommendation of the committee in this behalf, which was as follows:—

"(1) To levy an additional cess of 3 pies in the rupee on all items of land, excise and forest revenue on which local cess was being levied.

(2) An education cess of one anna in the rupee on certain items of municipal revenue, namely, tax on buildings and lands, tax on vehicles and animals; and the professional tax."

Lokasevaparayane Sri. K. D. RUKMINIAMMA enquired whether any special facilities had been provided for girls' education and whether there would be co-education or separate schools for boys and girls.

Mr. K. V. ANANTARAMAN replied that there was no idea of changing the present policy for the time being.

Lokasevaparayane Sri. K. D. RUKMINIAMMA said that co-education had not helped to advance the cause of women's education in the State. She regretted that there was no lady member on the Elementary Education Committee. She however felt that it would have been better if a definite policy had been laid down as regards women's education in the State.

Mr. S. C. MALLIAH, speaking next, said that the main object of the bill was to take over the management of the primary education by the Government. Under the Elementary Education Act as in force at present, there were the School Boards on which were represented both elected members and others. Experience had shown that these School Boards were not functioning satisfactorily, and it was proposed in the bill under discussion to establish District Committees in place of School Boards. Each District Committee would consist of members elected by the District Board concerned and an equal number of men nominated by Government, thus securing the co-operation of non-official members as at present. Not only this; Government had gone a step further. They had proposed the establishment of a Central Committee to look after the needs of primary education throughout the State. The Elementary Education Act was in force for well nigh 10 years and it had not resulted in any progress whatever. It was not worth while having a measure of that kind on the Statute Book. There

were very many defects in that Act and much of the money expended on elementary education was going to waste. One of the causes for this wastage was the existence of a number of single teacher schools. Secondly, supervision was not sufficient. There was one Inspector for two or three taluks and he could not supervise or inspect all the schools in his charge regularly. In the proposed measure, provision had been made for increasing inspecting staff, and this he hoped would result in better supervision of schools.

Referring next to the question of additional cess proposed to be levied under the measure, **Mr. Malliah** said that the committee's recommendation was that an additional cess of 3 pies should be imposed on all items of land excise and forest revenue on which local cess was being levied. He fully agreed that the people should pay for the services rendered to them by the State. But there was no object in imposing this additional levy without giving the people an adequate return for what they paid. It had been proposed in the bill to start schools in villages with a population of 500 and above in the maidan and 300 and above in the malnad in which there were no schools at present. If this principle was strictly adhered to, many villages with less than the prescribed population would go without schools even with the additional levy, now proposed. Once education cess was levied from all, educational facilities must be provided to all irrespective of other considerations. Therefore from the point of view that it was not beneficial to all those who paid the tax, the member opposed the levy of the cess proposed under the measure.

Another point to be considered in this connection was that people had been paying the educational cess for the past so many years without getting any educational facilities for their children. Even with the additional levy now proposed, there was little or no chance for those in the villages with a population of 500 and below in the maidan or 300 and below in the malnad, getting any such facilities, because they had to wait for some years before any schools were established there. This was really an injustice to them.

Referring next to the expenditure of Rs. 25 lakhs incurred on primary education, the speaker said that most of it was being spent on schools in the big cities where the people had been paying no education cess whatever. There was no justification whatever to perpetuate this injustice, and it was high time that the education cess was levied in municipalities also. There was some difference of opinion as to the rate at which the cess should be levied. Some were for levying one anna in the rupee and the others for two annas in the

rupee. Whatever the levy, he agreed on principle that the cess should be levied in the municipal areas.

Continuing, he said that looking at the present state of affairs, even if a cess of one anna in the rupee was levied in the municipalities there was no possibility of effecting any great improvements in elementary education. Government should therefore be prepared to spend much more on this grade of education, if necessary, even by curtailing the expenditure on University education.

Summarising his remarks, he said that with the exception of the proposal to levy an additional cess of 3 pies on land revenue, he would accord his wholehearted support to the other proposals contained in the measure.

Mr. Bhupalam R. CHANDRASEKHAYYA said that the measure before the House was a very important one. There had all along been a complaint that enough money was not being spent on elementary education, that elementary education had not progressed to the extent it should, and that compared to the other States, the Mysore State was backward in respect of this matter. The bill before the House was intended to remove the existing difficulties in the way of the progress of elementary education by providing suitable facilities, both financial and otherwise. For bringing such a measure before the House, the Government deserved to be thanked. The previous speaker, Mr. S. C. Malliah was one of the members of the Elementary Education Committee and he had expressed sound views in respect of the measure under discussion. The most important of the proposals contained in the bill was the levy of an additional cess of 3 pies in the rupee on land, excise and forest revenue. The School Boards themselves could have done this. But thinking that such a step would bring the School Board members into unpopularity, and that it might deprive them of their chances of succeeding in their ensuing election campaign, they did not agree to such a levy. Such being the case, he wondered why the Government should take power by introducing this measure to levy the cess and take the odium upon themselves.

Mr. K. V. ANANTARAMAN said that Government could not escape it. They had to do it in the interest of the progress of elementary education in the State.

Mr. Bhupalam R. CHANDRASEKHARAYYA said that he entirely agreed with the Government that the Elementary education should progress in the State. It was indeed very commendable on the part of the Government to have taken action in that direction. But he felt that this was not the appropriate time for taking upon themselves the unhappy task of imposing the additional levy. They could wait for six months more when the new reforms would be inaugurated and there would then be two other Ministers with them who would be the elected representatives of the people, and Government could share the responsibility for this with those Ministers also.

Mr. K. V. ANANTARAMAN observed that there were 3 definite issues involved in the measure and that it would be helpful if the member confined himself to these three points and expressed his views on them.

Mr. Bhupalam R. CHANDRASEKHARAYYA said that under the existing constitution, the Assembly could discuss only the general principles of any measure placed before it, but could not suggest any amendments to the bill. But after the introduction of the Reforms, the entire bill would be placed before the House for discussion and the House could suggest amendments thereto. That was one advantage. Secondly the elections to the Constitutional Houses would be held in the near future, and those supporting any measure involving additional taxation would become unpopular and lose their chances of success in the election.

Thirdly, it was proposed under the measure to establish a Central Board and several District Committees. It was not clear who would be the Chairmen of these bodies—whether officials or non-officials. Hitherto elementary education was a local subject and the local educational authorities could exercise their jurisdiction within their district. Hence only the representatives of those districts would work on the respective boards. Under the proposed scheme, representatives would be selected to the Central Board from the Districts. No provision was made to select representatives from the Representative Assembly and the Legislative Council, who had to sanction their budget to the extent of Rs. 3·5 lakhs every year.

There was also another point for consideration. It had been said that Government were spending about Rs. 23 lakhs on elementary education in the State. When income-tax was imposed, a promise had been given that the proceeds therefrom would be earmarked for expenditure on elementary education. From this source, Government were

now deriving an income of very nearly Rs. 40 lakhs. It was not known if any portion of it was being actually spent on primary education. These and other points required to be examined in great detail, and it would be of great help if the measure was brought before the House at its next session.

Nawab SHER KHAN of Honnali, on the other hand, said that the bill had not been introduced a day too soon. If instead of delaying so long, it had been introduced some 4 or 5 years back, the condition would have been altogether different. When the control over the elementary education was transferred to the District Boards 10 years back, a definite programme of work had been chalked out for them. These bodies were charged with the responsibility of consolidation, expansion and development of primary education in their respective areas, and ways and means were suggested for augmenting their resources. The local education authorities were not willing to levy the additional cess and so had not sufficient funds to undertake the expansion work. Not to talk of expansion, even the existing schools began to languish. The moment it came to the notice of Government that the schools were not working satisfactorily, and that there was no progress worth the name, Government should have introduced the bill and checked further deterioration. It was a matter for great consolation that the Government had introduced the measure at least now. When the Government had come forward with such a measure, to say that its discussion might be put off to the next session would amount to doing a disservice to the cause of education itself. He was personally of opinion that compulsory primary education should be introduced in the State and all the 17,000 villages in the State should be provided with schools. The progress of the country depended to a great extent on primary education and such being the case, no amount spent on it could be considered to be an excess. According to the figures worked out, 1,000 new schools had to be provided within the next 4 years and later on in other villages; and for this purpose, Government were not taxing the people to any great extent. The additional levy of 3 pies in the rupee on items on which local cess was being levied, was very modest. It was a welcome sign that the Government were also prepared to contribute Rs. 3 lakhs odd for this purpose as their quota.

Another satisfactory feature of the measure was that there would be established a Central Board in which all questions relating to this grade of education could be discussed and decided. Nothing would be gained by postponing the discussion to the next session.

With these remarks, he whole-heartedly supported the measure.

Mr. MAYI GOWDA who spoke next, suggested that there were 3 important

items involved in the measure and that it would be better to take the opinion of the House on each item separately.

Mr. K.V. ANANTARAMAN observed that if the members also expressed their views clearly on each point, it would be very easy to decide the issues involved.

Continuing, Mr. MAYI GOWDA said that he was in favour of the abolition of the School Boards and transferring the control over elementary education to the Government. As regards the levy of cess on municipal revenue, he said that there were certain areas which were paying a cess of 3 pies on mohatarfa and certain others were not paying anything. He had no objection to a uniform levy of 3 pies in the rupee on mohatarfa. As regards the additional cess on land revenue, he said that already the people were paying a cess of 6 pies in the rupee and it should on no account be enhanced and on other items on which local cess was levied, the cess might be increased as proposed in the bill. He also requested that the income-tax revenue should be made available for expenditure on elementary education.

Mr. K.V. ANANTARAMAN said that that was altogether a different question.

Finally, Mr. MAYI GOWDA suggested that wherever possible, retrenchments could be effected and the amount thus saved, might be utilised for the expansion of elementary education.

Mr. Rayara KEMPANNA said that there were many handicaps in the way of the progress of elementary education under the existing Act, what with the District Education Authority on one side and the Government on the other. The District Board threw the blame on the Government and the Government in their turn charged the District Board with inaction. This was something like a horse with two riders, each driving in the opposite direction. He had known of many instances where school masters were working in one with lien in another place. This was causing a great amount of difficulty for them in the matter of their getting their pay, etc. As regards levy of cess on municipal taxes, he was of opinion that one anna per rupee was quite inadequate. At present the villagers paid a number of cesses and still went without educational facilities; but those in the cities had all comforts without paying any kind of cess whatever. He therefore thought that a levy of 2 annas in the rupee in the case of municipal taxes could not at all be considered excessive. Referring next to the levy of additional tax on revenue, etc., he felt that as the raiyats were already burdened with a number of cesses, even the addition of 3 pies would be too much for them to bear. Instead of burdening the poor raiyat with this additional levy, the Government could reduce expenditure on high school and college education and make available that amount for primary education.

At this stage, the House adjourned for lunch and reassembled at 3-30 p.m.

Mr. S. RAMAPPA commended the provisions of the bill relating to the repeal of the Elementary Education Act of 1930 and the abolition of the existing School Boards. The School Boards were more a hindrance than help in the matter of educational progress. Every proposal had to be scrutinized by the School Board in the first instance, then by the Local Education Authority and afterwards forwarded to the Director of Public Instruction, and lastly to the Government for approval. Besides, this Board was not meeting for months together and so a lot of delay was being caused to the final disposal of even routine matters. The speaker had personal knowledge of its activities and could give instances of school buildings the construction or repair of which had been sanctioned so early as 1935-36 but which had not yet been taken up or completed. And even in respect of buildings completed, the final bills had not been paid. As stated by him already, this was due to the correspondence having to pass through a number of agencies. For these reasons, he felt that the sooner the School Boards were abolished the better would it be for the progress of elementary education.

The next provision in the bill related to the levy of an additional cess for the expansion of elementary education. On this point, the speaker referred to the suggestions made by him in the previous sessions of the Assembly about

tapping new sources of revenue without adding to the tax burden of the raiyat. Firstly, there was the income-tax which admitted of some enhancement. The rates obtaining in Mysore were very low compared to those obtaining in British India and by raising the rates on a par with British India, it was possible to obtain a few lakhs of rupees as additional revenue. If that revenue was used for educational purposes, the speaker did not expect any opposition to the levy of enhanced rates. There was also one other source which the Government could tap and that was by taxing a category of people who had escaped from all forms of taxation. It related to those who did not own any immovable property in the State in the shape of either lands or houses, and thus did not come within the ambit of any tax payable either to the Government or to any local body. According to the speaker, 30 per cent of the population in the cities and towns belonged to that category. Their children derived the full benefit of educational facilities made available in those areas, but still their parents escaped from all taxation. This was a point worthy of examination.

The member appreciated the anxiety of the Government to find additional funds for the expansion of primary education. But he apprehended that if the members gave their consent to any additional taxation of the raiyats, it was sure to have an adverse effect on their prospects in the forthcoming elections which were fast approaching. It would give a handle to the rival candidates to decry the sitting members. He therefore requested that the consideration of the additional levy might be postponed till after the new Assembly was constituted.

As regards the cess of one anna in the rupee proposed on certain items of municipal revenues, he pointed out that the residents of municipalities had been deriving the largest benefit from primary education and as such, the proposed levy was reasonable. He also commended the procedure relating to the selection of the personnel to the Central Board and the District Committees as prescribed in the bill.

Mr. G. MALLANNA admitted that this bill had been placed before the House as a result of repeated representations of members that the existing machinery entrusted with the management of primary education was not functioning satisfactorily and that the Government should resume charge of primary education from the local bodies. He commended the provision in the bill for taking the co-operation and advice of non-officials on questions of policy. The proposed cess was expected to yield about Rs. 3·3 lakhs and the Government would be contributing an equal amount for working out the scheme. But under the existing Act of 1930, the local bodies had to contribute only 2/5 of the expenditure and the Government should find the balance.

of 3/5. Whereas, under the proposed legislation, he said that the Government had sought to reduce their share of the expenditure from 3/5 to 1/2. Besides, with the object of curtailing their contribution, they had spread the scheme of expansion over a period of four years. With a view to bring the scheme into force expeditiously, he suggested that the extra funds required therefor could be found by reducing the existing grant to the University. The tuition fees charged in the Mysore University were low compared with other Universities and he proposed that they might be suitably enhanced and the deficiency in the income of the University got made up thereby. If this suggestion was accepted, he said that in the long run, the drain on the general revenues of the State caused by the University, would also get reduced to some extent.

Proceeding, the member represented that all these years, a major portion of the income from educatiou cess derived from rural areas was being utilised for the benefit of urban areas. This should be put an end to and the municipalities made to recover an education cess from the rate-payers. In this view, he supported the proposal to levy a cess of one anna in the rupee on municipal revenues. He was not in favour of the additional levy of 3 pies on land revenue on the ground that the raiyats were already burdened with a number of cesses, but he had no objection to the levy on the forest and excise revenues.

Mr. K. L. NANJAPPA NADIG welcomed the proposal to abolish the School Boards as contemplated in the bill. Before deciding on the levy of an additional cess of 3 pies on all items on which the local cess was now being levied, he requested the Government not to lose sight of the fact that there were certain districts in the State wherein the railway cess had not been imposed and thus they enjoyed some relief in comparison with other districts. He therefore suggested the proposed education cess to be confined to such districts as were not paying the railway cess. As regards the cess of one anna in the rupee proposed to be levied on certain items of municipal revenues, he represented that already some municipalities had been paying 3 pies in the rupee as education cess and some others half an anna. In his opinion, the levy of one anna proposed in the bill was rather high, and therefore he thought that a uniform rate of half an anna might be levied on municipal revenues. He also supported the suggestion for a reduction in the grant for the Mysore University and for diverting the savings for primary education.

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Mr. L. VEMA REDDY was of opinion that the present organization consisting of the School Board and the Local Education Authority which had been entrusted with the control of elementary education in each district had proved to be too cumbersome and as such it should be replaced by a more efficient machinery. Though the idea of having District Committees and a Central Board seemed to be good, what exactly would be the benefit derived therefrom was not clear. There was a general apprehension that the new organization might prove to be a replica of the old organization.

Proceeding, the member pointed out that though the education cess was proposed to be levied throughout the State, and that immediately, only 250 schools would be opened every year and the whole scheme completed within the next 4 years. This would result in certain villages having to wait for 2 years and 3 years together without a school even though they would be paying the additional cess all along. This the speaker said was not fair. Besides, his personal feeling was that unless upper primary schools were provided in certain central areas as against pure primary schools contemplated in the bill the needs of the people could not be met fully. He therefore prayed that Government might work out the cost of providing such upper primary schools also and proceed on that basis.

The next point was that if only villages with a population of 500 in the maidan and 300 in the malnad were to be provided with schools, the children in other villages would go without education. Because, children of tender age could not be expected to walk long distances through hills and jungles to reach the school. Thus it would be a hardship in the case of those villagers, especially as they also would be paying the cess without getting any return for it.

He endorsed the opinion of the previous speaker that those who paid the cess were not deriving the benefit of elementary education whereas those who paid nothing were enjoying the benefit of education in full. He was of opinion that no one who was capable of paying the cess should escape from it simply because they did not own any lands or house properties. He also supported the suggestion already made by another member for enhancing the rates of income-tax because it would bring in an additional revenue to the State exchequer without hitting the poor, and requested that the same might be utilised for providing every village panchayat with a school.

Mr. A. VENKATESAIYA pointed out that the reason why the scheme embodied in the Elementary Education Act of 1930 failed was due to the fact that the responsibility for the control and expansion of primary education was transferred entirely to local bodies and these latter could not manage them owing to their depleted finances. By limiting the resources of local bodies he felt that Government had condemned them for their inability. Seeing that

the local bodies could not contribute any high percentage of the cost of elementary education, he suggested that instead of limiting the Government's contribution to half the cost, it might be raised to three-fourths.

The speaker next pointed out that even under the purposed measure the number of agencies dealing with elementary education would be the same as under the existing Act and as such there was no improvement in that respect.

The SECOND MEMBER (Rajamantrapravina K. V. Anantaraman) explained that they would be mere advisry bodies.

Mr. VENKATESAIYA contented that it had been stated in the general principles of the bill that the approval of these bodies should be obtained before laying down policies and executing programmes. This would mean that all communications must pass through the District Committees and the Central Board. Thus, he was afraid that it would not tend to the expeditious discharge of business. The only redeeming feature of the new scheme seemed to be that the services would be provincialised.

Continuing, he pointed out that the opening of new schools was proposed to be regulated on the basis of population of the villages. Besides, the bill did not contemplate any provision for compulsory education. He wondered whether with all these limitations it was desiradle to enact a new law and deprive the local bodies of the powers conferred on them under the 1930 Act.

As regards additional resources for working out the scheme adumbrated in the bill, he wondered whether it was right to raise them by restoring to additional taxation at a time when the country was faced with economic depression which persisted in continuing since 1930. In this connection, he referred to the Address delivered by the Revenue Commissioner at the recent session of the Provincial Co-operative Conference wherein he had dealt with the economic backwardness of the agriculturists in Mysore. Therein, the Revenue Commissioner had vividly described how under the law of partition prevailing in the country, an extent of 10 acres of land got gradually dwindled to ½ an acre in the course of three generations, resulting in the emigration of the raiyat to an urban area or his continuing in the village as a chronic debtor. So, the speaker also felt that until the existing law of partition was suitably amended, Government should not increase the tax on land.

Through the principle of direct taxation was considered to be the best principle, the brunt of the cesses fell on the land-owner in the rural areas and the house-owner in the urban areas. But no sort of tax was levied on those who had come from outside and settled in the State but avoided owning any property by way of lands or houses.

He was therefore of opinion that if the raiyat was burdened with any additional cess, it would amount to breaking his back-bone altogether. For these reasons, he oppsoed the bill.

Mr. D. VENKATARAMANAPPA vehemently opposed the principle of the bill relating to the levy of a cess on municipal revenues, especially in relation to city municipalities. So far as Bangalore City was concerned, pupils from every nook and corner of every district flocked to it and the local municipality had to provide all amenities to them including education. Seeing that the representatives from the rural areas had been persisting in their complaint that the education cess collected in the villages was being utilised for the benefit of the cities, the speaker was forced to make a counter-attack that the one anna cess contemplated in the bill was intended to be utilised for the expansion of education in rural areas. He said it was not right to increase the burden on the tax-payers in the municipal areas in order to benefit the village panchayats. He felt that it would be more just to confine the levy to those who had been crying for the creation of educational facilities and not on others.

Mr. K. MARULAPPA was strongly opposed to the principle of levying the cess and adding to the tax burden either on land or on the municipal revenues, for the simple reason that the people concerned therein were unable to bear any further burden. Instead of that, he suggested that the revenue realized by Government under the new Moneylenders Act might be utilized for supplementing their existing resources. He also suggested that the scheme of expansion of elementary education might be spread over a period of 8 years as against 4 years provided for in the bill so that the contribution from the State exchequer might be proportionately lessened. Having earned the appllation of a "Ramarajya" for the State, he said that the Government should not add to the burden of the raiyat who formed the back-bone of the country.

Before concluding, he deplored the abolition of the upper primary schools in several parts of the mofussil which had thereby deprived the villagers of the opportunity of passing the Kannada Lower Secondary or Upper Primary examination and prayed that more of upper primary schools might be opened in central villages.

Lokasevaniratha BALE SIDDALINGA SETTY joined others in stating that nobody in the House had any objection to the abolition of the School Boards and the Local Education Authorities. As regards the levy of education cess, he felt that there should be no objection to its levy at one anna in the rupee on municipal revenues, but that no cess should, however, be imposed on the land revenue, for the simple reason that the raiyat was unable to bear any further taxation. He therefore appealed to the Government to drop the land revenue from the proposed levy of 3 pies in the rupee and keep on the other two items, *viz.*, forest and excise revenues, and be satisfied with it for the present.

Proceeding, he pointed out that certain members had expressed the view that the entire scheme of the new Elementary Education Act might be deferred for the present. But as the speaker himself was a member of the Elementary Education Committee, he would not endorse that view. In view of the urgency and importance of the question of expansion of elementary education, he felt that it should be tackled without delay. Having appointed an expert committee which deliberated over the entire problem for a long period and sent up concrete recommendations, it would not be a sound policy to postpone the scheme altogether. He admitted that the scheme could not be given effect to without additional finances. All the same, he felt that the levy of an additional cess on the raiyat on the eve of the general elections would be detrimental to the interests of the sitting members of the House and by giving their consent to such levy, they were sure to grow unpopular among the voters. Above all, it would afford a ready handle to the opposing candidates to carry on a campaign against the sitting members. He said that that was also one of the reasons why the land revenue should be left untouched.

At this stage, the **PRESIDENT** enquired if the House would agree to the levy of an additional cess of 3 pies on forest and excise revenues only.

The entire **HOUSE** answered in the affirmative.

Thereupon, the **PRESIDENT** observed that the question would be examined.

Mr. B. L. BYANNA represented that so far as the residents of City Municipalities went, they were paying 15 per cent of their income by way of different assessments including land assessment, whereas the people in the rural areas were paying only 5 per cent. He therefore strongly opposed the proposed levy on municipal revenues.

Mr. BALE SIDDALINGA SETTY pointed out that the residents of the two cities were enjoying the maximum educational facilities by way of not only elementary education but also higher education and that they ought not to grudge to pay the proposed cess.

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Mr. K. LAKSHMINARAYANA RAO was of opinion that the well-recognised principle of association of people's representatives in all departmental programmes of work was specially true of elementary education. Now the contemplated transfer of all power from local educational authorities to the hands of Government would really mean a step backwards. He admitted that the working of the elementary Education Act of 1930 was anything but satisfactory as was found out by the special committee. But the cause of failure was not so much the question of lack of finance as the diarchical form of administration *i.e.*, the dual control under sections 3 and 4 of the Act with doubtful responsibility attaching to either. The Government had the necessary statutory authority to interfere and there was a serious failure on the part of Government to discharge a duty which was primarily its own. Then who was to be held responsible for this set back of 10 years of progress in elementary education? And why should all Local authorities indiscriminately be deprived of all powers in the doubtful hope of attaining all alone the goal of universal elementary education? He felt that it would be better to have a bifurcation scheme drawing a line between the Urban and the Rural area. Some of the practical problems were really distinct and separate and were peculiar to the urban area when contrasted with those in Rural area. There appeared to be a natural division. In the Urban area very many suitable people who knew the methods of education were available and they were evincing interest also. Again as centres of study, students thronged in large numbers to the cities and towns. The parental interest was also more in evidence there as also efficiency.

The Act of 1930 recognised no such discrimination and the limits of territorial jurisdiction of all District Authorities under the Act were very wide and unmanageable. If, instead of making the act applicable even to the rural area, the Act had confined its attention only to the urban area, then a large measure of success ought to have been attained. Even now it was not late in the day and all the cities and important towns should have the power to manage the affairs of elementary education and these cities and towns with their civic consciousness should first set the example and be prepared to be further taxed as proposed, and more money would certainly be made available to supplement the usual State grant; and there would be no meaning in burdening the municipalities without a corresponding right of management vesting in these bodies. Therefore, he was in favour of retaining that power with the local Bodies in the urban area.

But the proposed levy of a general cess of 3 pies in the rupee in the country parts on land revenue was really objectionable in principle as being inequitable in its incidence and would not serve the purpose completely and fully either. a It would be bad policy to multiply cesses in the name of elementary secondary and University education and the like, distributing uneven burden on the public in general. However the local educational authority must be abolished in the rural area and the power handed over fo a full time officer who would centralise administration and be responsible to Government and Government only. And he would be free to launch and control a definite policy (unlike the very many and varied District Authorities), regarding the consolidation of elementary education in the rural area. Better kind of teachers should be recruited and they must have experience as well as the necessary training and it was then that real progress would be possible in the moffusil; and Government could then count upon a useful return to the 25 lakhs of rupees expended year after year.

Mere expansion of the machinery of Inspectorate together with an increase in the usual untrained staff of teachers would lead nowhere, though the whole thing would involve heavy additional cost.

To put all this into a nut-shell—the diarchical form of control must go and the bifurcation element regarding the territorial jurisdiction must be recognised in the scheme of elementary education with complete responsibility. Therefore he said under the new Act there need be no general transfer of power to Government and there was no justification for levy of a general cess on the agricultural population already overburdened with taxation.

His suggestion was also in comformity with the recommendations of the Hartog Committee regarding the raising of funds on voluntary basis.

The SECOND MEMBER (Rajamatrapravina K. V. Anantaraman) speaking on behalf of the Government explained that in the statement of general principles of the bill placed before the Assembly, there were theree points involved. The first point related to changing the existing system of control

by abolishing the School Boards and the Local Education Authorities and the Government resuming the entire control of primary education. The discussions that had so far taken place in the House made it clear that the members had no objection to this proposal. The abolition of these bodies had also been recommended by the Elementary Education Committee.

The second recommendation of the Committee was that 1,000 new primary schools should be opened. For opening these schools and for maintaining them in an efficient condition, heavy expenditure would have to be incurred; and to find the funds needed for the purpose, the Committee had made two suggestions. The first suggestion related to the levy of an education cess of 3 pies in the ruppee on all items of revenue on which the local cess was being levied. But this proposal had not secured the unanimous support of the Committee. Messrs. S. C. Malliah and D. H. Chandrasekharaiya, who were members of the Committee, were agreeable to the principle of the levy of the additional cess but wished it to be confined to items other than the land revenue. But the majority were in favour of levying a cess of 3 pies in the rupee on all items of revenue on which the local cess was being levied. He hoped that the House would agree with the majority opinion.

Mr. G. MALLANNA, Mr. BALE SIDDALINGA SETTY and some others said that the House would support the opinion of the minority in this matter.

Thereupon Mr. K. V. ANANTARAMAN enquired if the House would agree to levy of the cess on all items other than land revenue if the provision was amended suitably.

The House unanimously agreed to the proposal as amended, *viz.*, for the levy of an additional cess of 3 pies in the rupee on all items on which local cess was now levied, excluding, however, the land revenue.

Proceeding, Mr. K. V. ANANTARAMAN explained that the next suggestion of the Committee related to the levy of a cess of one anna in the rupee on certain items of municipal revenue, such as taxes on buildings and lands, taxes on vehicles and animals and the professional tax. In this connection, he reminded the members that even under the existing Elementary Education Act, there was provision for the levy of an education cess up to a maximum limit of two annas in the rupee in municipalities. The bill contemplated the levy of only one anna in the rupee. Under the existing Act, the cess had been levied already in several municipalities as, for example, in the Chitaldrug District where

Challakere (had levied	6 pies	in the rupee		
Hiriyur	,,	1 anna	,,	
Hosadurga	,,	6 pies	,,	and
Holalkere	,,	1 anna	,,	

But, as against this, it was surprising that in the premier City Municipality of Bangalore, no education cess had been levied. Similarly, in the case of the Mysore City and Tumkur Town, no cess had been imposed by the municipalities concerned. It was but right that every municipality should contribute towards the expenditure on Elementary Education.

Messrs. N. Bhogi MALLIAH and Sale SIDDALINGA SETTY were of opinion that a higher rate might be levied from the city municipalities than in the case of town municipalities.

Messrs. D. VENKATARAMANAPPA, B. L. BYANNA, Rao Sahib M. RAMASWAMI and Y. V. MUNISWAMI IYER protested that they had not been given an opportunity to express their views as representatives of the bigger municipalities regarding the levy of the cess on municipal revenues.

Mr. K. V. ANANTARAMAN, thereupon, observed that as there was some difference of opinion in the House, the question as to the rate of the cess in the case of municipalities would be reconsidered and hoped that the members agreed to the principle of the levy of the cess.

Messrs. D. VENKATARAMANAPPA and Y. V. MUNISWAMI IYER did not, however, favour the levy of the cess in the case of Municipalities.

Rao Sahib M. RAMASWAMI drew attention to a category of people in municipalities who could not be brought within the purview of any taxations, and requested the authorities concerned to tackle them but not add to the burden of other residents in the municipalities who had been already over-taxed.

Thereupon, the general principles of the bill were accepted as modified above.

III. General principles of the Mysore Election offences and Inquiries Bill.

The SECRETARY to GOVERNMENT, LAW DEPARTMENT (Mr. H. V. Narayana Rao) explained the general principles of the bill as follows :—

The recent enactment of the Government of Mysore Act, 1940, has resulted in a considerable widening of the franchise. The franchise for the District Boards in the State, which is the same as for the Representative Assembly, has also been correspondingly widened.

As elections will therefore play an important part in the new public life of Mysore, it is considered desirable that the public conscience should be markedly drawn to the danger of corrupt practice in relation to the franchise, whether that franchise relates to legislative or other bodies. It is of the greatest importance, in order to safeguard the free and unhampered exercise of the vote and to secure the successful working of the system of election, that the principle of the purity of the franchise should be insisted on in the criminal law of the country.

The Joint Parliamentary Committee appointed to report on the Government of India (amendment) Bill, 1919, recommended the enactment of such a measure. They said : "The Committee are firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is

THE MYSORE ELEMENTARY EDUCATION BILL.
(A bill to amend and consolidate the law relating to Elementary education in Mysore)

WHEREAS the existing arrangements under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results, and WHEREAS it has become necessary for the Government to resume control of Elementary education in order to make more satisfactory provision for its progressive expansion, it is hereby enacted as follows:-

Chapter I.

PRELIMINARY

1. (1) This act may be called the Mysore Elementary Education Act, 194 .

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the 1st day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued,

issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:-

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District:

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926:

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933.

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or authority sub-

subordinate to him, to whom any of his functions may be delegated by the Government:

(5) Elementary Education means courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and upto such standards as may be prescribed or approved, from time to time by the Government for the purposes of this Act:

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act:

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child:

(8) "Prescribed" means prescribed by rules made by the Government under this Act:

Chapter II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust

in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary schools maintained hitherto-fore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government

Chapter III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in an each district/Elementary Education Fund to which shall be credited:-

i) all moneys standing to the credit of the Elementary Education Fund, consti-

constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under section 4,

ii) all amounts provided by the Government for Elementary education in such District,

iii) the amount of all collections from education cess levied in such District, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government,

iv) all fines and penalties levied under this Act in respect of cases arising within such District, and

v) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District

(2) Education cess and contri- - butions by local authorities.

9. The Government may, for carrying out the purposes of this Act, levy

levy throughout or any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Municipal-tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary education by a District Board, Municipal Council or any other local authority under the provisions of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

Chapter IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other Districts such Local Authority as the Government may prescribe shall be entitled to elect one half the

the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occuring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government ~~shall~~ may appoint for each District Education Committee a secretary from amongst its members.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its district for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

Central Education Board.

18. There shall be a Central Education Board for Elementary education.

19. Each district Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies o
the term of the Board shall be f.
by election or nomination, as the ca
be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to;

(i) consider the reports submitted by the District Education Committee, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for elementary education: managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette, by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training, or for readmission of the pupil into the School.

CHAPTER VI.

COMPULSORY EDUCATION.

25. In every area to which the provisions of this Chapter have been applied and from

such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Educational Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance:-

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child:

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause; or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary school in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an Elementary school under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary school any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent convictions.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing elementary education and not established or maintained by it to be an elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. The Government may make rules to carry out all or any of the purposes of this Act.

In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate

(1) the levy of education cess under section 9;

(2) the manner of election to, and the working of the District Education Committees and the Central Education Board;

(3) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised;

(4) the term of the Central Education Board;

(5) medical inspection and fees

fees for such medical inspection or for promoting social and physcial training of children;

(6) the authority and the manner of issuing of certificates of exemption;

(7) the authority and the manner of issuing a warning to a parent under section 29.

TN-8)

THE MYSORE ELEMENTARY EDUCATION BILL.

STATEMENT OF OBJECTS AND REASONS.

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reaching the goal of universal, elementary education.

The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been realised. There has been no increase either in the number of schools or in the number of scholars. To investigate into the causes for this slow progress a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be for better for Government to resume control over elementary education.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies - District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District

Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the ~~xxx~~ respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

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THE MYSORE ELEMENTARY EDUCATION BILL

Statement of Objects and Reasons.

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The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been ~~fulfilled~~ realised. There has been no increase either in the number of schools or in the number of scholars. To investigate into the causes for this slow progress a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be far better for Government to resume control over elementary education ~~in Mysore~~.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests ~~in~~ the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies - District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent

by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to coordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

9/12

THE MYSORE ELEMENTARY EDUCATION BILL.

(c) Motion that the ~~Bill as passed by the Legislative Council~~ report of the Select Committee on the Bill and the Bill as amended by them be taken into consideration.

The SECOND MEMBER (Rajamantrapravina K.V. Anantaraman.).- Sir, I beg to move that the report of the Select Committee appointed to consider the Mysore Elementary Education Bill and the Bill as amended by them, be taken into consideration.

Copies of the Select Committee report are already in the hands of the members. The Select committee have redrafted section 9 saying that Government may levy a cess not exceeding the rates indicated in the schedule newly attached to the Bill. And it has also been provided that if at any time revision of the rates ~~are~~ is considered necessary, the matter should be brought up before the legislature in the form of a resolution and the approval of ~~the~~ this House taken. This is the practice which has been adopted in respect of other enactments like the Motor Vehicles ~~regulation~~ Act, etc. The idea is that instead of having to follow an elaborate procedure of amending the ~~Bill~~ Act, ~~when~~ whenever any change in rates is found necessary, the proposal may be put before the legislature and its approval taken. That is the basis on which the new section has been drafted. I may explain that the majority were in favour of this arrangement. A minority of 3 have however differed from this view. ~~They~~ They suggested that the promise made by Government that in the present condition of agriculture in

the State, ~~the request to exempt~~ the raiyatwari ~~system~~ assessment will be exempted from any additional ~~revenue would not be made good~~ levy until conditions improve. ~~The minority wanted that this~~ should be put into the ~~xx~~ Act itself ~~in the schedule~~. But that is hardly necessary because it is not on principle that the raiyatwari assessment has been recommended for special treatment, but in view of the condition of agriculture at present. This concession could ~~xxxxxxxxx~~ easily be given by Government ~~by~~ in pursuance of their promise not to levy any additional cess on raiyatwari assessment until agricultural conditions improve. There is another aspect of it also There is already a levy ~~on~~ of education cess on raiyatwari assessment. It would be very clumsy to have to treat the same kind of assessment in two different ways, one in respect of the existing cess and the other in respect of the ~~levy of~~ additional cess. The object that the Government have ~~got~~ in view, that the agricultural industry should ~~x~~ not be loaded with any additional burdens at the present moment, can be achieved by the arrangement that has been adopted. The other changes are either verbal or ~~are~~ not of any great significance. So I will not refer to them. ~~Now we shall take up the amendments. There is only one~~ An additional ~~section that is~~ clause has been drafted, that is clause 35. It has been provided that Government shall cause a comprehensive statement on the working of the Act to be placed before the Houses of Legislature once a year, so that the Houses may have an opportunity of knowing what has been achieved under this enactment.

THE MYSORE ELEMENTARY EDUCATION BILL AS AMENDED BY THE SELECT COMMITTEE.

Amendments.

1. Delete clause 9 in its entirety.
2. In section 12 (1) for the words "shall be entitled to elect one-half" substitute the words "shall be entitled to elect two-thirds".
3. In section 12 (2) replace the words "half" by"one-third".
4. In section 19 for the words "Government shall appoint an equal number of members to it" substitute the words "Government shall appoint to it one-third of its total number of members".
5. Omit the schedule.

MOVERS:Mr.B.R. Puttananjappa and Mr. D.S. Mallappa.

The Secretary,
Legislative Council. Bangalore.

Dear Sir,

We the undersigned members of the Council beg to table the following amendments to the Mysore Elementary Education Bill as amended by the Select Committee —

Amendments:-

1. Delete ~~the~~ Clause 9 in its entirety.

2. In ~~Section~~ 12(1) for the words "shall be entitled to elect one-half" substitute the words "shall be entitled to elect two-thirds" ~~in lieu~~

3. In Section 12(2) replace the words ~~the~~ "half" by "~~one~~-third".

4. In section 19 for the words "Government shall appoint an equal number of members to it" substitute the words "Government shall appoint to it one-third of its total number of members".

5. omit the schedule.

please include the above amendments in the agenda

Thanking you,
Yours faithfully
B. R. Puttaraja

To.

The Secretary,

Legislative Council

Bangalore

Sir,

I beg leave to move the amendments (noted below) to the Bijapur Elementary Education Bill as amended by the Select committee

Yours sincerely,

D. V. Chandrasekharaiah.

Amendments

In clause 9(1) insert the words "excepting Rajpatrawari assessment" between "items of State Revenue" and "or revenue forming part" ~~Occasionally~~ occurring in Lines 4 & 5

2. In Schedule add the words "except Rajpatrawari assessment" after the words "~~Not levied~~". Items on which local cess is now levied"

3. Delete Paragraph 2 of clause 9

4 Insert a new Chapter between Chapter V & Chapter VI as follows:

Chapter VI

Compulsory Attendance

25. Whenever any parent sends a child to any Elementary School, it shall be his duty to cause that child to attend the School for so many days in the year

for such time on each day of attendance as may be prescribed by the Education department unless there is a reasonable excuse for the non-attendance.

26 (1) Any one of the following circumstances is a reasonable excuse for non-attendance:-

(i) That the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(ii) That the child is receiving instruction in some other satisfactory manner, or that the child is exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed

27 A parent who without lawful excuse fails to keep in an Elementary school any child whom he has sent to attend school shall, after due warning in such manner and by such authority as may be prescribed, be liable on a conviction by a Magistrate to a fine not exceeding ~~four~~ rupees and to a fine not exceeding ten rupees for a second or subsequent conviction

28 The Government may for carrying out the provisions of this chapter effectively appoint one or more Officers or Committees for each Elementary school and with such

powers and duties as may be prescribed

5 Renumber chapter VI as chapter VIII and clauses 25, 26, 27, 28, 29, 30 & 31 as 29, 30, 31 32, 33 34 35

6 Renumber chapter VII as chapter VIII and the clauses 32, 33, 34 & 35 as 36, 37, 38 & 39

7 In clause 34 (vii), ~~add at the end "and"~~ substitute for the word and figure "section 29" the following words section 27 and section 33.

[illegible]

To

The President
Mysore Legislative Council
Bangalore.

Sir,

We desire to move the following amendment to the Elementary Education Bill:

In clause 9 Sec. 2, the words "Legislative Council" be deleted and the words "Houses of Legislature" be substituted.

Yours sincerely.

17.1.41

D. Ramachandra

L. B.

B. S Puttaswamy

B. R. Puttanayaka

Devalapura

The Mysore Representative Assembly

DASARA SESSION—OCTOBER 1940.

STATEMENT OF GOVERNMENT BUSINESS TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY.

I. Statement of the General Principles of the Bill to amend the Mysore City Municipalities Act, 1933.

The present procedure for the recovery of assessed taxes in the City Municipalities is laid down in Chapter VIII of the City Municipalities Act, 1933. It has been brought to the notice of Government that the existing provisions of law are inadequate to enable the City Municipal Councils to collect the taxes speedily and to the fullest extent. Both the Municipal Commissioner, Bangalore City, and the President, Mysore City Municipal Council, have stated that it is necessary to insert a provision in the Act empowering the Municipal Councils to collect the assessed taxes from defaulters by recourse to prosecution.

There is a provision of this kind in the Municipal Laws of the Civil and Military Station, Bangalore.

It is accordingly proposed to amend the Mysore City Municipalities Act, 1933 by adding a section as follows :—

102-A. In the event of non-payment of any tax imposed under section 64, within fifteen days from the date of service of notice of demand under clause 3 of Section 95, the person failing to pay such a tax shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due.

II. Statement of ~~the General Principles of the Elementary Education~~ objects and reasons Bill.

The need for the wider diffusion of primary education, both as means of securing social and economic efficiency, and of enriching and elevating the lives of individuals, has long been recognized, and it has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reach the goal of universal elementary education. In order to attain this object, they have, from time to time, made provision for an increasing association of representatives of the people in all schemes and programmes connected with this work.

The culmination of this policy was reached in 1930, when the Elementary Education Act was placed on the Statute Book. The local bodies were completely invested with powers for providing and controlling Elementary Education in their areas. Eight District and four Town Local Educational Authorities came into existence and to their administrative control, all Government Primary Schools and village aided schools situated in the respective local areas with their staff, buildings, equipment, etc., were transferred with effect from 1st July 1931. These bodies were charged with the responsibility for the consolidation, expansion and development of Elementary Education within their respective limits of jurisdiction. An Elementary Education fund was constituted for each Local Education Authority to which were transferred, the amounts spent on Primary Education from the State Fund and the proceeds of Education Cess levied.

These bodies were required to prepare within a period of one year after the Act came into force, a programme of educational expansion on a voluntary basis, so as to provide, within a period not exceeding ten years, for a sufficient number of schools for all children, not being less than six or more than twelve years of age, who were likely to attend schools for elementary education, and also to submit within a period of ten years, a programme of compulsory education of all children between the ages of six and ten years, within the local limits of their jurisdiction.

The expectation entertained in 1930, that a great filip would be given to expansion by the transfer of control and responsibility to local bodies has not been realised. Though it is nearly a decade since the Elementary Education Act was passed, there is not an appreciable increase either in the number of schools or in the number of scholars. Many causes seem to have contributed towards this disappointing result, the most important being that of finance. There has been a feeling among the local bodies that recourse to levy of fresh taxation would be unpopular, particularly at a time of agricultural and general depression. The provisions of the Act of 1930 enabling Government to take steps in regard to expansion schemes should the local bodies fail to do so, have contributed to a great extent to make them apathetic and adopt an attitude of waiting.

With a view to remedy this state of affairs, a committee was constituted in 1937 to investigate into the causes for the slow progress made so far, and to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care, the committee has come to the conclusion that the interests of Primary Education have not advanced very much after the control was made over to the Local Education Authorities, and that the present state of stagnation cannot be allowed to continue, any longer, without detriment to the larger interests of the State, and that some forward step must be taken immediately. The Committee is of opinion that it would be far better for Government to resume charge of Primary Education and that Primary Schools should be administered by them through the Department of Public Instruction. The same view has been definitely advanced by the Hartog Committee. The Committee has, at the same time, added that these measures and particularly the financial arrangements should be such as are acceptable to a large section of the public.

The essence of its scheme is that every village in the State with a population of 500 and above in the Maidan and of 300 and above in the Malnad in which there are no schools at present should be provided with a school immediately. The number of such villages being roughly about 750, the recommendation is to start 1,000 schools, 250 each year, so that in about 4 years the wants of almost all these villages may be met.

The expenditure on education is steadily growing and Government cannot, consistent with their present financial resources and the demands which they have to meet in several directions, undertake to shoulder the entire responsibility for financing the expansion of Elementary Education as outlined above. Additional resources have, therefore, to be made available if the object in view is to be achieved. The Committee has, therefore, suggested that a cess of three pies in the rupee be levied on all items of Land, Excise and Forest Revenue on which local cess is now levied, and a cess of one anna in the rupee on certain items of Municipal Revenue, and this is expected to yield about Rs. 3·3 lakhs and that Government should make an equal contribution, so that the scheme as proposed may be easily worked out.

While it is recommended that Government should take over control of primary education, it is also suggested that provision should be made for the association of representatives of the people with the work connected with the expansion of elementary education, as such representatives with their experience and intimate knowledge of local requirements, could give valuable advice in this respect. It is also considered necessary that such association should be on a statutory footing.

The draft bill now under consideration repeals and supersedes the Elementary Education Act of 1939, and also the amendment to it, *viz.*, Act V of 1933, and it is a short measure enabling Government to take over the management and control of Primary Education from the Local Education Authorities.

In the draft bill, provision is also made for the constitution of representative bodies—District Committees, one for each District, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu Education, Depressed Class and Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of Elementary Education in the State.

III. Statement of General Principles of the Mysore Election Offences and Inquiries Bill.

The recent enactment of the Government of Mysore Act, 1940, has resulted in a considerable widening of the franchise. The franchise for the District Boards in the State, which is the same as for the Representative Assembly, has also been correspondingly widened.

As elections will therefore play an important part in the new public life of Mysore, it is considered desirable that the public conscience should be markedly drawn to the danger of corrupt practice in relation to the franchise, whether that franchise relates to legislative or other bodies. It is of the greatest importance, in order to safeguard the free and unhampered exercise of the vote and to secure the successful working of the system of election, that the principle of the purity of the franchise should be insisted on in the criminal law of the country.

The Joint Parliamentary Committee appointed to report on the Government of India (amendment) Bill, 1919, recommended the enactment of such a measure. They said: "The Committee are firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries." The Indian Election Offences and Inquiries Act, 1920, was accordingly passed into law in September 1920.

The present Bill is modelled on the British Indian measure and it is made up of two parts. The first part makes certain amendments to the Indian Penal Code, as in force in Mysore, and the Criminal Procedure Code. This part applies not only to elections to the legislative bodies constituted under the Government of Mysore Act, 1940, but to elections to all public bodies generally. It penalises the five new offences created by this Bill, namely, bribery, undue influence, personation, the publication of false statement of fact and the failure to keep accounts.

Part II applies only to elections to legislative bodies constituted under the new Act, provision being made for the conduct of inquiries in regard to disputed elections to them. The Commissioner appointed to hold such inquiries will have the powers of a Court under the Code of Civil Procedure, 1911, when trying a suit. The provisions of the Indian Evidence Act, 1872, as in force in Mysore, will apply to such inquiries. In addition to certain other incidental provisions, this Part also enacts that a person convicted under Chapter IX-A of the Indian Penal Code, as in force in Mysore, will be disqualified from certain appointments and offices. Government are, however, given the power to remove such disqualification in any particular case. Provision is also made for the maintenance of secrecy of voting.

IV. Statement of the General Principles of the Contempt of Courts (Amendment) Bill.

The Contempt of Courts Act, 1930, was modelled largely on the corresponding enactment of British India. Departing from that enactment, however, it provided that acts of contempt committed in respect of pending judicial proceedings only shall be punishable.

It is considered desirable to remove this limitation and bring the Act into line with the provision of law in British India on the subject. The effect of the proposed amendment will be that any act intended to bring into contempt or lower the authority of a Judge or a Court may be dealt with as contempt of court.

BANGALORE,
Dated 27th September 1940.

H. V. NARAYANA RAO,
Secretary,
Mysore Representative Assembly.

WD 460—GPB—500—28-9-40.

11543/47

D. 1058

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Office of the Secretary,
Representative Assembly and Legislative Council.

No. L. C.

Bangalore, dated December 1940

NOTIFICATION.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Elementary Education Bill

is published for general information with the statement of objects and reasons.

By Order,

(Sd.) H. V. Narayana Rao,
Secretary,
Mysore Legislative Council.

To—The Compiler, *Mysore Gazette*, for publication in the Gazette, both English and Kannada, and sending 250 spare copies to this office at an early date.

WD 1906—GPB—500—10-4-37

THE MYSORE ELEMENTARY EDUCATION BILL.
(A Bill to amend and consolidate the law relating to Elementary education in Mysore)

WHEREAS the existing arrangements under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results, and WHEREAS it has become necessary for Government to resume control of Elementary education in order to make more satisfactory provision for its progressive expansion, it is hereby enacted as follows:-

Chapter I.

PRELIMINARY

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the 1st day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued,

issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding ~~such~~ the repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:-

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District:

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926:

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933.

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or authority sub-

subordinate to him, to whom any of his functions may be delegated by the Government:

(5) Elementary Education means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and upto such standards as may be prescribed or approved, from time to time by the Government for the purposes of this Act:

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act:

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child:

(8) "Prescribed" means prescribed by rules made by the Government under this Act:

Chapter II.)

TRANSFER OF PROPERTY AND CONTROL) TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust

in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

8. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary schools maintained hitherto-fore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

Chapter III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each district/an Elementary Education Fund to which shall be credited:-

i) all moneys standing to the credit of the Elementary Education Fund, consti-

constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under section 4,

ii) all amounts provided by the Government for Elementary education in such District,

iii) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government,

iv) all fines and penalties levied under this Act in respect of cases arising within such District, and

v) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District

(2) Education cess and contributions by local authorities. 52

9. The Government may, for carrying out the purposes of this Act, levy

levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Municipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provisions of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

Chapter IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe shall be entitled to elect one half the

the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occuring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government ~~shall~~ may appoint for each District Education Committee a Secretary ~~from amongst the members of the Committee~~.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

Central Education Board.

18. There shall be a Central Education Board for Elementary education.

19. Each district Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

81. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

82. The Central Education Board shall meet at such times and as often as may be prescribed.

83. It shall be the duty of the C tral Education Board to:

(i) consider the reports submitted by the District Education Committee, and

(ii) advise upon all such matters as may be referred to it by the Educati l Department.

CHAPTER V.

TUITION FEES.

84. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette, by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training, or for readmission of the pupil into the School.

CHAPTER VI.

COMPULSORY EDUCATION.

85. In every area to which the provisio of this Chapter have been applied and from

such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cau that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Educational Department unless there is a reasonable excuse for its non-attendance.

20. (1) Any of the following circumstances is a reasonable excuse for non-attendance:-

(i) that there is no elementary school which the child can attend within ~~at~~ a distance of one mile from the residence of the child:

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause; or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary school in an area to which the provisions of this Chapter have applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an Elementary school under this Chapter.

29. A parent who without lawful e u fails to send to an Elementary school any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding t wo rupees, and to a fine not exceeding ten rupees for a second or subsequent convictions.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committe for such areas with such powers and duties as may be prescribed.

CHAPTER VII.) Cafe

MISCELLANEOUS.) S C

35. The Government may delegate any of its powers under this Act to t Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing elementary education and not established or maintained by it to be an elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. The Government may make rules to carry out all or any of the purpo s of this Act.

In particular and without prejudi e to the generality of the foregoing power, such rules may provide for or regulate

(1) the levy of education e under section 9;

(2) the manner of election to, the working of the District Education Committees and the Central Education Board;

(3) the manner of electing a Chairman to a District Education Committ where the election of a ~~Chairm~~ Chairman is authorised;

(4) the term of the Central Education Board;

(5) medical inspection and fees

fees for such medical inspection or for promoting social and physical training of children;

(6) the authority and the manner of issuing of certificates of exemption;

(7) the authority and the manner of issuing a warning to a parent under section 29.

TM-B)

A685
4.6.40

GENERAL SECRETARY
4 JUNE 1940

Note put up as directed by the Member of Council.

(General M/C) Hin 1/6/40.

Since the Bill has to be introduced and at the next Assembly, this ~~note~~ no action is at present necessary.

Hin 3/6/40.

(2nd Member) 4/6

4/6

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and the development of elementary education in the State with a view to secure the goal of universal elementary education. And in order to attain this object they have from time to time made provision for an increasing association of representatives of the people in all schemes and programmes connected with the work. This policy ~~of Government~~ which may be said to date as far back as 1910 was based on the ~~accepted~~ basis ~~principle~~ that these representatives must be reasonably expected to be fully aware of the necessities and requirements of the persons whom they represented and would thus be able to advise Government in the measures necessary to further the principle of proper and adequate expansion.

As early as 1910, the village was made responsible for maintaining the primary schools, Government giving a grant to each school. In 1921 this principle of association was furthered by requiring the local bodies to take over control of the schools, including ~~however~~ also the responsibility of bearing a fair share of expenditure by the levy of an educational cess.

The culmination of this policy was reached in 1930 when the Elementary Education Act was ~~put~~ placed on the statute book. The local bodies were completely invested with powers for providing and controlling Elementary education in ~~the State~~ their areas. There also came into existence a number of local bodies to whose administrative control were transferred all Government primary schools in the respective local areas together with their staff and buildings. These bodies were further charged with the responsibility for the consolidation expansion and development of elementary education within the respective limits of their jurisdiction. An Elementary Education Fund was constitued for each Local Education Authority and to these were transferred amounts spent from State Funds and the proceeds of the education cess wherever they were levied during the year 1930-31.

These bodies were further required to prepare a programme of educational expansion so as to provide within a period of ten ~~ex~~ years ~~for~~ a sufficient number of schools for all children between the ages of 6 and 12 who were likely to attend schools for elementary education within the local limits of its jurisdiction (section 27 of the Act).

Under section 33 of the Act they were also required to submit within a period of ten years a scheme of compulsory elementary education for all children between the ages of 6 and 10 years within the local limits of their respective jurisdictions.

~~There has been a growing conviction in the mind of Government that~~ The ~~high~~ expectations entertained in 1930 that a great fillip would be given to expansion by the transfer of control and responsibility to local bodies ~~have~~ has not been ~~fulfilled~~ realised. In order therefore to go into the question as to why the expansion was not realised, Government appointed a committee in 1937. After a comprehensive survey, the committee have reported that the scheme as outlined in the Elementary Education Act has been a failure.

There is neither an appreciable increase in the no. of school going children nor a decrease in the no. of regulars, which together cannot constitute disappointment in the public mind.

Many causes are discernible as having ~~been~~ contributed towards this disappointing result, the most important being one of finance. There has been a feeling among the local bodies that recourse to levy of fresh taxation would be ~~an~~ unpopular ~~move~~, particularly at a time of agricultural and general depression. The provisions of the Act of 1930 enabling Government to take steps in regard to expansion schemes should the local bodies fail to do so has contributed not a little to make them apathetic and adopt an attitude of waiting.

This problem of finance has also been responsible for the failure of the local bodies to submit proposals for expansion outlined in and contemplated by the Act including the question of financing such schemes.

After reviewing the situation very carefully and at great length the committee have come to the conclusion that the interests of primary education have not been advanced very much after the control was made over to the local education authorities. Following the view expressed by the Hartog Committee, they are of opinion that it would be far better for Government to resume charge of it and that the primary schools should be administered by them through the Department of Public Instruction.

The present stage of stagnation is, they consider too serious to be allowed to continue any longer and they have therefore recommended that substantial progress should be achieved as early as possible. They have at the same time added that these measures, and particularly the financial arrangements should be ~~on the lines~~ such as are of ~~least resistance and~~ acceptable to a large section of the public.

The essence of the scheme ~~xx~~ proposed is that every village in the State with a population of 500 and over should be provided with a school immediately. The number of such villages being roughly about 750, the recommendation is that about 1000 schools should be started, 250 each year so that in about 4 years the wants of almost all the villages may be met.

The committee suggested that a cess be levied ~~a xxx~~ on all items of revenue which might be expected to yield about 3.3 lakhs and if that Government ~~made~~ should make an equal contribution to the sheme as outlined above could be easily worked. Levy of cess on land revenue having been negatived by the Executive Council, the amount available would be only 2.6 lakhs (total) so that the sheme will have to be slowed down or other means will have to be found to finance the scheme after the 3rd year, since the expenditure will thereafter exceed the amount available.

While it is recommended that Government should take over control, it is also admitted that provision should be continued to be made for the association of representatives of the people with the work connected with the expansion of elementary education and that such representative bodies should be established on a statutory basis.

The draft Bill sent by the D.D.P.I. repeals and supercedes the Act of 1930 and is a short measure enabling the Government to take over the management of the ~~xxxxxxx~~ schools from the Local Education Authorities as well as the property vested in them.

Provision is also made for the constitution of representative bodies, ~~the~~ District Committees, one for each District and a Central Board for the whole State. A District Committee is to be constituted of members elected by the District Board concerned, an equal number being nominated by the Government in order to give adequate representation to Urdu education, Depressed Class and Girls Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction.

The Central Board will consist of representatives sent by the District Committeess , each Committee having one representativ on the Board and the Government nominating ~~the~~ an equal number. Its functions will be to coordinate the efforts of the Dt. Committees, to examine their proposals and plans and to advise Government on questions of policy.

Each District will continue to have a Fund made up of the items now credited to similar Funds.

It is expected that the management by Government aided by the advise of the Central Board and the several District Committee will help to carry forward the ~~xxxx xxxxxxxxxxxxxxxxxxxxxxxxxx~~ the expansion of elementary education and enable the goal of universal elementary education reached within reasonable time. It must however be remembered that no schemes and no proposals will be of any avail in the absence of adequate finance, and while the Government are prepared to share their portion of the burden, ~~it will~~ ~~take the scheme nowhere~~ will be totally insufficient unless an equal or fairly proportionate amount if available from sources of fresh

Statement of objects and reasons for the new Elementary Education Act

TYPING SECTION
16 SEP. 1940
GEN. & REV. SECTT.

The need for the wider diffusion of primary education, both as means of securing social and economic efficiency, and of enriching and elevating the lives of individuals, has long been recognised, and it has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reach the goal of universal elementary education. In order to attain this object, they have, from time to time made provision, for an increasing association of representatives of the people in all schemes and programmes connected with this work.

The culmination of this policy was reached in 1930, when the Elementary Education Act was placed on the Statute Book. The local bodies were completely invested with powers for providing and controlling Elementary Education in their areas. Eight District and four Town Local Educational Authorities came into existence and to their administrative control, all Government Primary Schools and village aided schools situated in the respective local areas with their staff, buildings, equipment &c., were transferred with effect from 1st July 1931. These bodies were charged with the responsibility for the consolidation, expansion

and development of Elementary Education within their respective limits of jurisdiction. An Elementary Education fund was constituted for each Local Education Authority, to which were transferred, the amounts spent on Primary Education from the State Fund and the proceeds of the Education Cess levied

These bodies were required to prepare within a period of one year after the Act came into force, a programme of educational expansion on a voluntary basis, so as to provide within a period ~~ex~~ not exceeding ten years for a sufficient number of school places for all children, not being less than six or more than twelve years of age, who were likely to attend schools for elementary education, and also to submit withi a period of ten years, a programme of compulsory education of all children between the ages of six and ten years, within the local limits of their jurisdiction.

The expectation entertained in 1930, that a great fillip would be given to expansion by the transfer of control and responsibility to local bodies has not beer realised. Though it is nearly a decade, there is neither an appreciable increase ir the number of schools nor in the number c scholars. Many causes seem to have contributed towards this disappointing res- the most important being that of financ

There has been a feeling among the local bodies that recourse to levy of fresh taxation would be unpopular, particularly at a time of agricultural and general depression. The provisions of the Act of 1930 enabling Government to take steps in regard to expansion schemes, should the local bodies fail to do so, has contributed to a great extent to make them apathetic and adopt an attitude of waiting.

With a view to remedy this state of affairs a committee was constituted in 1937 to investigate into the causes for the slow progress made so far, and to suggest - - - measures for securing better results. After reviewing the situation with considerable thoroughness and care, the committee have come to the conclusion, that the interests of Primary education have not advanced very much, after the control was made over to the Local Education Authorities, and that the present state of stagnation cannot be allowed to continue any longer, without detriment to the larger interests of the State, and that some forward step must be taken immediately. They are of opinion, that it would be far better for Government to resume charge of Primary Education and that Primary schools should be administered by them through the Department of Public Instruction. The same view has been definitely advanced by the Hartog Committee. The Committee have, at the same time, added that these measu

and particularly the financial arrange-
ments should be such, as are acceptable
to a large section of the public.

The essence of their scheme is that every village in the State with a population of 500 and above in the Maid and of 300 and above in the Malnad in which there are no schools at present should be provided with a school immediately. The number of such villages with a population of 500 and above, being roughly about 750, the recommendation to start 1000 schools, 250 each year, so that, in about 3·7 years the wants of almost all these villages may be met.

The expenditure on education is steadily growing and Government cannot, consistent with their present financial resources and the demands which they have to meet in several directions, undertake to shoulder the entire responsibility for financing the expansion of Elementary Education as outlined above. Additional resources have, therefore, to be made available, if the object in view is to be achieved. The Committee have, therefore, suggested that a cess of 3 pies in the rupee be levied on all items of Land, Excise, and Fore Revenue on which local cess is now

levied, and a cess of one anna in the rupee on certain items of Municipal revenue and this is expected to yeild about 3.3 lakhs and that Government make an equal contribution, so that the scheme as ~~outlined~~ above ~~could~~ proposed may be easily worked out.

While it is recommended that Government should take over control of primary education, it is also suggested that provision should be made for the association of representatives of the people with the work connected with the expansion of elementary education, as such representatives with their experience and intimate knowledge of local requirements, could give valuable advice in this respect. It is also considered necessary that such representative bodies should be given a statutory footing

The draft Bill now under consideration, repeals and supercedes the Elementary Education Act of 1930 and also the Amendments to it Viz., Act V of 1933, and is a short measure enabling Government to take over the manegement and control of Primary Education from the Local Education Authorities.

In the draft bill, provision ~~is a~~ is made for the constitution of representative bodies--District Committees, one for each District, and a Central Board for the whole State. A District Committee will consis

of members elected by the District Boards concerned, an equal number being nominated by Government in order to give adequate representation to Urdu Education, Depressed Class and Girls Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction within the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each Committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each District will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective Districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees, will help to carry forward to substantial extent the expansion, consolidation and improvement of Elementary Education in the State.

tion in the state

dation and improvement of elementary ed-
ucation, substantial extension, combi-
nation Committees will help to carry forward
the General Board and the several District
Committees will be aided by the service of the
Elementary Education Funds in the respec-
tive Districts.

It is hoped that the management of
each District will continue to be
a function made up of the items now specified
on questions of policy.

Each District Committee, to examine the pro-
posals and plans, and to advise Government
will be to co-ordinate the efforts of
nominating an equal number. The function
sentative on the Board and the Government
Committees, each Committee having one rep-
representatives sent by the District Boards
The General Board will consist of
within the financial resources and to
ment of primary education in its jurisdic-
and proper use for the expansion and
Its main function will be to co-ordinate pri-
Class and Girls Education and interpret the
presentation to them Education. Representa-
by Government in order to give adequate
composed, an equal number being nominated
of members elected by the District Boards

Subject:-- Final report of the Special Committee on Elementary Education.

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1. Submitted for perusal.

2. The main recommendations of the committee are the followir

(1) That the control over primary education which now ves in the Local Education Authorities be taken over by Government and that the primary schools be administered by them through the Depart ment of Public Instruction.

(ii) That District Committees and a Central Board of Primary Education with a view to secure the co-operation of the Public in furthering primary education be constituted.

(iii) That about 1000 Primary Schools be started in villages a population of 500 and above in the Maidan and the more important villages, ~~with~~ a population of 300 and above in the Malnad where the are no schools at present, suitable provision being made for Urdu Education as well.

(iv) That 25 additional Inspectors with their staff and a Deput Director of Public Instruction be appointed for the efficient administration and inspection of Primary Schools.

(v) (a) That an additional cess of three pies in the rupee be levied on all items of Land, Excise and Forest Revenue on which local cess is levied and

(b) that an education cess of one anna in the rupee be levie on ~~certain~~ the following items of ~~the~~ Municipal Revenue

(1) taxes on buildings and lands
(2) taxes on vehicles and animals and
(3) Professiontax.

3 It is expected that the realisations of cess collections levied on items of Land Revenue referred to in (a) will be Rs.2,75 and on items of municipal revenue referred to in (b) will be Rs.58,620. Some members were of the opinion that the Education Cess under (a) should be raised to one anna and the cess referred to at (b) should be raised to two annas, the full cost of buildings being

1342 2.

borne by Government.

4 Government will have to give an equivalent contribution as the realisation from the Education cess on Land Revenue and on items of Municipal Revenue.

5 If the cesses are levied at 3 pies and one anna, Government have to contribute every year a sum of Rs.3,33,620. If cesses are levied at one anna and two annas, as proposed by certain members, the cost to Government will be double the amount mentioned above i.e., Rs.6,67,240. This will be in addition to the present level of expenditure on Education which about Rs 3 lacs

6 The Committee have also recommended the levy of fees in Middle Schools situated in District and Taluk Headquarters places for boys at the rates as noted in the margin and for girls at half the rates for boys, making a provision in both cases of free studentships to the extent of 40 per cent of the strength of schools, the income from fees being found and utilised for the opening of more middle schools and for providing more competent staff and better equipment to the existing ones. It is expected that the realisations from fees in the case of boys will be Rs.1,11,407. per annum.

	Kannada	Urdu.
IV year class	1-8-0	0-12-0
III " "	1-4-0	0-10-0
II " "	1-0-0	0- 8-0
I " "	0-12-0	0- 6-0

Nil
Cost of 4 lakhs
1. 11.39

This is for consideration whether the sense of the Representative Assembly may be taken on the recommendation of the Committee

8) 2nd Member + Dewan

OFFICE OF THE SECOND MEMBER OF COUNCIL, 9 OCT. 1939 No. 2992

9/10

9/10/39

Statement showing details of Education cess realisations in the several districts during 1938-39.

Name of the Dt.	Edn. cess on land revenue.	Edn.cess on Excise Revenue.	Edn.cess on Forest Rev.	Edn.Cess on other miscellanoues revenue such as Toll and other Municipal Revenue.	Total
Bangalore Dist.	51,058	28,821	690	442	81,011
Kolar "	56,885	12,364	339	-	69,488
Tumkur "	37,898	15,481	126	-	53,505
Shimoga "	42,449	7,481	159	1,977	52,066
Chitaldrug "	33,371	12,173	103	1,139	46,786
Kadur "	34,611	7,672	250	30	42,563
Mys re "(old) including the present Mandya Dist.	94,027	24,718	988	101	119834
Hassan Dist.	44,702	10,778	299	-	55,779
K.G.F.S.B.Area	1,327	8,648	-	285	10,260
Total	3,96,328	1,28,036	2,954	3,974	5,31,292

64

16/2

16.2.40.

Edn 288-39-1

Edn. New 92]

Postal Address:—POST BOX No. 8.
Tel. Address:—EDUCATION, Bangalore.

GEN. & REV. SECTT. 15 MAY 1940 3765 EDUCATION BRANCH.

Department of Public Instruction.

Government of Mysore.

No.D5- 5335-464 of 39-40.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE,

ENCL.

Bangalore, dated 13th May *193*40.

18 MAY 1940 14 MAY 1940

FROM

F. G. McALPINE, ESQ., M.A., DIP. EDN., V.D., J.P.,
DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE,
BANGALORE.

To

GENERAL SECRETARY. 15 MAY 1940

J.Appaji Gowda, Esq., B.A. (Hons.),
General Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

Subject:- Regarding the draft of New Primary Education Act '40.

I have the honour to state that Dr.K.N.Kini, Deputy Director of Public Instruction, Mysore has sent me for information a copy of the draft of the New Primary Education Act submitted to the Chairman, - Elementary Education Committee.

On going through the draft of the Act, I find that the following points deserve to find a place in the Act of 1940:-

Chapter II (3):- Nominations of members to be made by Government to the District Committees should be on the recommendation of the Director of Public Instruction, as also the appointment of the Chairman of the Committee, if he is to be appointed by Government.

Chapter II (4):- It is stated that the District Committee should meet once annually. If the Committee meets only once a year, it can transact very little business at one ~~meeting~~ sitting. If the idea in constituting these committees is to enlist the co-operation of leaders of public opinion for furthering Primary Education in the State, the committee should meet more than once in a year. It may at least meet twice a year, once just before the budget ~~session~~ session and again about the middle of the year.

3765

1) The Rate-of-the Week Premium Est Act 1940 has not been received in Est. Branch. This may be transferred to the pro. Branch. Sub S.

20.5.40 20/5

2) Pro Branch for favour of receipt

3) The Assn has not given reasons. This will be noted in the Estate Duty circumstances. 21/5

4) MRW 24/5

24/5 Pro Estate Duty

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The D.P.I. states that a copy of the draft Bill has been sent by Dr. Kini to the Second Member of Council

It is for orders if the Dir may be asked to send the another copy of the draft Bill with his remarks, if any.

Subst

28/5/48

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

1941

No. E. E. C. 22 of 1939-40.

Exe. one.

Office of the Deputy Director of Public Instruction, Mysore Division & Secretary, Elementary Education Committee, Mysore, Dated 30th April 1940.

SUBMITTED.

As desired by the Chairman, Elementary Education Committee, a draft of a new Primary Education Act, 1940 is submitted herewith.

No mention has been made in the draft about compulsory education since it may not be a practical proposition for some years to come.

In the Schedule given at the end, the extent of repeal has not been stated with regard to two Regulations, the Mysore Municipal Regulation and the Mysore District Boards Regulation. This is a matter for the Local Self Government Department to throw light upon.

K. V. Krishna

Secretary,
Elementary Education Committee
Mysore.

Recd on 1/5/40

The CHAIRMAN, Elementary Education Committee.)

Appendix F G—1]

SUBJECT.....

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Section Edn.

File No. 298-39

Serial No. 2

Diary No. of letter replied to.....

No. E 1356 Edn

To

The D.P.I.,

General and Revenue Secretariat

( )

the *19*

Sir,

Date of issue 2nd Nov 40

Adverting to your letter no BS-5335-464 of 39-40 dt 14-5-40 re: the draft of new Primary Education Act, I am directed to forward herewith for favour of Scrutiny and remarks, the draft bill of the new ~~the~~ Primary Edn Act. I am to request that the draft bill, with your remarks may kindly be returned within a fortnight.

Signed by Sh R.R. Rao

List of enclosures.....

Copied by .....

Examined by .....

Thanks Etc.,

2/11

for Govt Secretary

MOR 2/11/40

WD 03695—GPB—30,000—29-1-40

Appendix F G—1]

SUBJECT.....

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Section Edn 288 ~~37~~ 3

File No. 39

Serial No. 3

D-0

No. E 1685 our ene

Diary No. of letter replied to .....

To

General and Revenue Secretariat

( ).

the *193*

Date of issue 28.11.40

Signed by Hon. J. A. Lourdes.

Dear Mr McAlpine.

I enclose herewith a copy of the new Elementary Education Bill, as revised, with refee. to the discussions we had in the Members' Chambers during last week. The same may kindly be scrutinised, and suggestions, if any may be intimated to us early, as ~~printed~~ copies of the bill have to be printed and distributed amongst the members of the Legislative Council ~~at its next session~~.

Yours sincerely

List of enclosures.....

Copied by.....

Examined by.....

As per the note of the Financial Secretary, the maximum amount that will be available for expenditure will be Rs.2.68 lakhs. (Realizations from the Education Cess on Forest and Excise Revenues, and certain items of Municipal Revenue and an equal contribution from Government.) This will mean, that the cost of new schools that have to be opened should not exceed the amount available for expenditure viz., 2.68 lakhs.

Flag J

The realizations from the Education Cess on Forest and Excise Revenues as per the statement obtained from the Financial Branch of the D.P.I's office for 1938-39 is Rs.1,30,990. The income from additional levy will be half of this viz., Rs.65,495 or .66 lakhs. The income expected from the levy of Education Cess on certain items of Municipal Revenue is Rs.58,620 or .59 lakhs. The total will be Rs.1.25 lakhs, and Government will have to give an equal contribution. The amount that will be available for expenditure will be Rs.2.5 lakhs. This may be taken as a safe figure in view of the downward tendency in the Excise Revenue.

The cost of opening a 'two teacher school' and a 'single teacher school' is as noted in the margin. The total number of schools that can be started will be about 125 per annum for a period of 4 years or 500 in all, (as against 1000 recommended by the Committee). Half of this will be two teacher schools and the other half single teacher schools. The additional Inspectors that may be appointed will be 20 as against 25 proposed by the Committee.

Two teacher school.		Single teacher school.	
1(17-1-20);	1(15)	1(15)	
Contingency	0-8-0	Contingency	0-4-0
M.O.C.	0-6-0	M.O.C.	0-4-0

The appended statement shows the cost of opening 125 new primary schools every year, (half the number being two teacher schools and half of single teacher schools) for a

As per the note of the Financial Secretary, the maximum amount that will be available for expenditure will be Rs.2.68 lakhs. (Realisations from the Education Cess on Forest and Excise Revenue and certain items of "Municipal" Revenue and an equal contribution from Government. This will mean that the cost of new schools that have to be opened should not exceed the amount available for expenditure viz., 2.68 lakhs.

The realisations from the Education Cess on Forest and Excise Revenues as per the statement obtained from the Financial Branch of the D.P.I's office for 1938-39 is Rs.1,30,890. The income from additional levy will be half of this viz., Rs.65,445 or .66 lakhs. The income expected from the levy of Exemption Cess on certain items of Municipal Revenue is Rs.58,620 or .59 lakhs. The total will be2.25 lakhs and Government will have to give an equal contribution The amount that will be available for expenditure will be Rs.5.5 lakhs. This may be taken as a safe figure in view of the downward tendency in the Excise Revenue.

The cost of opening a two teacher school and a single teacher school is as noted in the margin. The total number of schools that can be started will be about 125 per annum for a period of 4 years or 500 in all (as against 1000 recommended by the Committee). Half of this will be two teacher schools and the other half single teacher schools. The additional Inspectors that may be appointed will be 20 as against 25 proposed by the committee.

Two teacher school.		Single teacher school.	
I(IV-I-50)	I(IB)	I(IB)	
Contingency	0-8-0	Contingency	0-4-0
M.O.C.	0-8-0	M.O.C.	0-4-0

The appended statement shows the cost of opening 125 new primary schools every year (half the number being two teacher schools and half of single teacher schools for a

period of 4 years and of the appointment of additional inspecting staff. It will be seen from the statement appended that there will be an aggregate balance of Rs.2,70,948¼ for the first four years. This could be utilised for improving the equipment of the existing Primary schools and for construction and improvement of buildings. From the fifth year onwards there will be a recurring balance of Rs.13,876, which could be utilised for improving the staff of the existing schools to some extent.

The Financial Secretary has suggested for consideration whether the expansion may not be slowed down to permit the opening of 1000 schools in 5 or 6 years instead of four years. Even if this suggestion is accepted, it will mean a recurring expenditure of Rs.3,84,000 from the sixth year onwards. The amount that would be available as per the resolution of the Council (2,68,000 or 2,50,000) would not suffice to finance the programme from the fourth year onwards. How the additional amount required will be found has not been explained.

2nd Member)

24/2

period of 4 years and of the appointment of additional inspecting staff. It will be seen from the statement appended that there will be an aggregate balance of Rs.3,70,968/- for the first years four years. This could be utilised for improving the equipment of the existing Primary schools and for construction and improvement of buildings. From the fifth year onwards there will be a recurring balance of Rs.75,870, which could be utilised for improving the staff of the existing schools to some extent. The Finance Secretary has suggested for consideration whether the expenditure may not be slowed down to permit the opening of 1000 schools in 5 or 6 years instead of four years. Even if this suggestion is accepted, it will mean a recurring expenditure of Rs.3,84,000 from the sixth year onwards. The amount that would be available as per the resolution of the Council (2,08,000 or 2,50,000) would not suffice her to finance the programme from the fourth year onwards. How the additional amount required will be found has not been explained.

Year.	Total additional amount available.	Cost of opening 125 schools per annum.		Cost on account of inspecting staff.		Total.	Balance.
		recurring.	Non-recurring.	Recurring.	Non-recurring.		
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
First year.	2,50,000	35,081¼	15,625	68,174	13,043¼	1,34,923½	1,15,076½
Second year	2,50,000	76,162½	15,625	68,174	...	1,59,961½	90,038½
Third year	2,50,000	1,14,243¾	15625	68,174	...	1,98,042¾	51,957¼
Fourth year	2,50,000	1,90,406¼	15,625	68,174	...	2,36,124	13,876
							2,70,948½

THE MYSORE ELEMENTARY EDUCATION BILL.

(A Bill to amend and consolidate the law relating to elementary education in Mysore)

WHEREAS the law relating to elementary education investing local authorities with powers of provision and control has failed to secure the expected measure of success in advancing the interest of elementary education in Mysore;

AND WHEREAS it has become necessary for Government to resume control of it in order to make better provision for its progressive development; It is hereby enacted as follows:-

Chapter I - Preliminary.

1. (1) This Act may be called the Mysore Elementary Education Act, 194

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the 1st day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette, appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of

of this Act be deemed to be made, issued done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:-

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Education Department" means the Director of Public Instruction in Mysore acting under the Government of Mysore in matters connected with public instruction in Mysore, and any officer or authority subordinate to him, to whom any of his functions may be delegated by the Government;

(4) "Elementary Education" means education in such subjects, for such period and up to such standard as may be prescribed;

(5) "Elementary School" means a school or department of a school established or maintained by the Government and providing elementary Education or recognised as an elementary school under the provisions of this Act;

(6) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child:

(7) "Prescribed" means prescribed by rules made by the Government under this Act:

Chapter II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of an Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over elementary education in Mysore shall vest in the Government.

6. All teachers [and other officers] and menials serving in an elementary school maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government [by the same tenure and on the same terms and conditions as before the transfer and while performing the

the same duties shall receive not less salary or remuneration than theretofore, but shall become subject to all rules and orders which apply to service under the Government.

Chapter III.

ELEMENTARY EDUCATION FUNDS.

(1) Their Constitution.

7. There shall be constituted in each district an Elementary Education Fund to which shall be credited:-

(i) all moneys standing to the credit of an Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such district or part of such district and vesting in Government under section 4,

(ii) all amounts provided by the Government for elementary education in such district,

(iii) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government,

(iv) all fines and penalties levied under this Act in respect of cases arising within such district, and

(v) all fees collected within such district for the purposes specified in the proviso to section 25.

8. All expenses incurred by the Government on elementary education in any district shall be paid out of the Elementary Education Fund for that district.

(2) Education cess and contributions by local authorities.

9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, any education cess or an additional education cess on such items of ~~State~~ revenue, revenue forming part of a district fund, and municipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of elementary education by a District Board, Municipal Council or any other local authority under the provisions of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

Chapter IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each district a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In districts where district Boards are in existence, such district boards, and in other districts such local authority as the Government may prescribe shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education ~~xxxx~~ Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the district board or other local authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the district.

15. Casual vacancies occuring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each or any District Education Committee a Secretary with such duties and powers as may be prescribed.

17. It shall be the duty of a District Education Committee to meet once annually and at such other time or times as the Government may direct and,

(1) consider any plans or programmes for the expansion and development of elementary education in the district for the year next succeeding such meeting which may be placed before it by the education department or such other authority as may be prescribed, and submit its report thereon to the prescribed authority;

(2) advise upon any matters relating to elementary education referred to it by the education department; and

(3) consider, any matters relating to elementary education which it may deem fit to do and submit any recommendations in this behalf to the prescribed authority

Central Education Board.

18. There shall be constituted for Mysore, a Central Education Board for elementary education, consisting of a President to be appointed by the Government and such number of members as the Government may prescribe;

Provided that the number of members shall not be less than the number of District Education Committees constituted in Mysore.

19. Every District Education Committee

shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government may appoint such number of members as may be prescribed but not exceeding the number of members elected to it.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided however that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. The Central Education Board shall have a Secretary who shall be appointed by the Government, with such duties and powers as may be prescribed.

22. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

23. The Central Education Board shall meet at such times and as often as may be prescribed.

24. It shall be the duty of the Central Education Board to, -

(i) consider all reports submitted by the District Education Committees under section 17, which shall be placed before it,

(ii) advise upon all such matters as may be referred to it by the education department, and

(iii) consider by itself if it deems fit to do so, any schemes for the establishment of a national system of public education available to all persons capable of profiting thereby by providing for the progressive development and comprehensive organisation of elementary education in Mysore,

and submit its report thereon to the education department.

Chapter V.

TUITION FEES.

25. No fees shall be charged or other charges of any kind made in any school for elementary education:

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette, by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting his social or physical training.

Chapter VI.

COMPULSORY EDUCATION.

26. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of ~~every~~ the parent of ~~any~~ every child between the ages of six and ten residing within such area to cause that child to attend a school which provides elementary education, unless there is a reasonable excuse for its non attendance.

27.(1) Any of the following reasons is

is a reasonable excuse for nonattendance:-

(i) that there is no elementary school which the child can attend within a distance of one mile (measured according to the nearest road) from the residence of the child;

(ii) that the child has been prevented from attending school by sickness or other unavoidable cause; or

(iii) that the child is receiving instruction in some other satisfactory manner.

(2) Where a reasonable excuse for non attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

28. If religious classes are held in any elementary school in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

29. No person shall, without the permission of the education department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an elementary school under this Chapter.

30.(1) A parent who without lawful excuse fails to send to an elementary school any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable

liable xon conviction by a magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

31. Any person who knowingly employs any child in contravention of the provisions of section 29, shall, on conviction before a magistrate be liable to a fine not exceeding twenty rupees.

32. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

Chapter VII.

MISCELLANEOUS.

33. The Government may delegate any of its powers under this Act to the Education Department.

34. The Government may for any of the purposes of this Act declare any school providing elementary education and not established or maintained by it to be an elementary school and thereupon all or such of the provisions of this Act as may be prescribed shall apply to that school or if it were an elementary school.

35. The Government may make rules to carry out all or any of the purposes of this Act

In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate

(1) the levy of education cess under section 9;

(2) the manner of election to, and the

the working of the district education committees and the Central Education Board;

(3) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised;

(4) the authorities to submit plans or programmes to District Education Committees and the authorities to receive their reports or recommendations;

(5) the powers and duties of the Secretary to a District Education Committee or to the Central Education Board.

(6) the term of the Central Education Board;

(7) medical inspection and fees for such medical inspection or for promoting social and physical training of children;

(8) the authority and the manner of issuing of certificates of exemption;

(9) the authority and the manner of issuing a warning to a parent under section 30.

THE MYSORE ELEMENTARY EDUCATION BILL.
(A Bill to amend and consolidate the law relating to elementary education in Mysore)

Whereas the existing arrangements under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results, and whereas it has become necessary for Government to resume control of Elementary education in order to make more satisfactory provision for its progressive expansion, it is hereby enacted as follows:-

Chapter I.

PRELIMINARY

1. (1) This act may be called the Mysore Elementary Education Act, 194 .

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the 1st day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued,

issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings wherever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:-

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District:

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926:

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Act, 1933.

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or authority sub-

subordinate to him, to whom any of his functions may be delegated by the Government:

(5) Elementary education means a course extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and upto such standards as may be prescribed or approved, from time to time by the Government for the purposes of this Act:

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary education or recognised as an Elementary School under the provisions of this Act:

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child:

(8) "Prescribed" means prescribed by rules made by the Government under this Act:

Chapter II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust

in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary schools maintained hitherto-fore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

Chapter III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each district an Elementary Education Fund to which shall be credited:-

i) all moneys standing to the credit of the Elementary Education Fund, consti-

constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under section 4.

(i) all amounts provided by the Government for Elementary education in such District,

(ii) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government,

(iv) all fines and penalties levied under this Act in respect of cases arising within such District, and

(v) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District

(2) Education cess and contri- - butions by local authorities.

9. The Government may, for carrying out the purposes of this Act, levy

levy throughout or any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Municipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary education by a District Board, Municipal Council or any other local authority under the provisions of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

Chapter IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe shall be entitled to elect one half the

the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst the members of the Committee

17. The District Education Committee shall ordinarily meet once a year and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

or at such other time or times as the Government may direct

Central Education Board.

18. There shall be a Central Education Board for Elementary education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President of the Board shall be appointed by the Government as well as the Secretary.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided however that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to:

(i) consider the reports submitted by the District Education Committee, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette, by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training. or for the admission of the pupil into the School.

CHAPTER VI.

COMPULSORY EDUCATION.

25. In every area to which the provision of this Chapter have been applied and from

such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Educational Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance:-

(i) that there is no elementary school which the child can attend within ~~at~~ a distance of one mile from the residence of the child:

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause; or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempte from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary school in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an Elementary school under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary school any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent convictions.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. The Government may make rules to carry out all or any of the purposes of this Act.

In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate

(1) the levy of education cess under section 9;

(2) the manner of election to, and the working of the District Education Committees and the Central Education Board;

(3) the manner of electing a Chairman to a District Education Committee where the election of a ~~Khazik~~ Chairman is authorised;

(4) the term of the Central Education Board;

(5) medical inspection and fees

fees for such medical inspection or for promoting social and physcial training of children;

(6) the authority and the manner of issuing of certificates of exemption;

(7) the authority and the manner of issuing a warning to a parent under section 29.

TN-8)

l. Address:
"EDUCATION."

DEPARTMENT OF PUBLIC INSTRUCTION.
GOVERNMENT OF MYSORE.

Postal Address:
POST BOX No. 8.

D.O. No. Ps-1731-130/40-41

BANGALORE
Dated 30th November 1940

GEN. SECTT.
EDUCATION
1695

E. G. McALPINE, M.A. (Edin.),
Dip. Edn. (Edin.), V.D., J.P.,
Director of Public Instruction.

30/11

2/12/40

Dear Mr. Appaji Gowda,

With reference to your D.O.letter No.E.1685/Edn. 288-39-3 dated 28th November 1940 forwarding the draft of the Elementary Education Bill and asking for my suggestions, I write to say that in Clause 13 the word "may" which occurs twice should be changed to "shall", and that in Clause 16 the word "may" which occurs once should be changed to "shall". Chapter VI which is devoted to Compulsory Education but at the preliminary discussion which I had with the Second Member of Council last week, all mention of the compulsory education was cut out of the preamble to the Bill. I do not know whether the Second Member has given instructions for the inclusion of Chapter VI but it seems to me to raise considerable difficulties in view of the fact that there is no prospect of introducing compulsory education or enforcing it, if introduced. As I presume that the Second Member will have another meeting next week to discuss the bill, this point may be noted for discussion.

In paragraph 24 it is laid down that no fees shall be charged in any schools for elementary education. I assume that the phrase "any school" in this context means any school managed by Government and I think this requires to be made clear. Some of the non-Government schools do in fact charge fees.

Yours sincerely,

E G McAlpine

30/11/40

J. Appaji Gowda, Esq., B.A. (Hons),
Bangalore.

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

No. of letter replied to .....

No. £ 1718/Enc 1

To

D.O.

General and Revenue Secretariat

( )

the 193 .

Dear Sir

With refce to your D.O. letter no D5-1731-140 of 40-41 dt 30-11-40, and the discussions at the Secretary Member's chambers yesterday, I am desired to forward herewith a copy of the Ele. Con Bill as revised.

Yours sincerely

3/12

Date of issue 3-12-40

Signed by MV R

Subject a draft D.O. forwarding a copy of the bill as revised as instructed by the Law Secy.

3/12/40

3/12

TO,

The D.P.O.

List of enclosures.....

TYPING SECTION 3 DEC. 1940 GEN. & REV. SECTT.

Copied by.....

Examined by.....

Whereas it is

T
(A
law

EMENTARY EDUCATION BILL.
nd and consolidate the
o elementary education
n Mysore)

WHEREAS the la-----
cation investing ng/elementary edu-
powers of provision thorities with
to secure the expected trol has failed
in advancing the interest of success
education in Mysore; lementary
AND WHEREAS it has become nece y for
Government to resume control of i n
order to make better provision for i
progressive development; It is hereby
acted as follows:-

Chapter I - Preliminary.

1. (1) This Act may be called the Mysore Elementary Education Act, 194

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the 1st day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette, appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of

of this Act be deemed to be made, issued done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:-

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Education Department" means the Director of Public Instruction in Mysore acting under the Government of Mysore in matters connected with public instruction in Mysore, and any officer or authority subordinate to him, to whom any of his functions may be delegated by the Government;

(4) "Elementary Education" means education in such subjects, for such period and up to such standard as may be prescribed;

(5) "Elementary School" means a school or department of a school estab
ed or maintained by the Gover
providing elementary
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(6) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(7) "Prescribed" means prescribed by rules made by the Government under this Act:

Chapter II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority including all moneys standing to the credit of an Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over elementary education in Mysore shall vest in the Government.

6. All teachers and other officers and menials serving in an elementary school maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government by the same tenure and on the same terms and conditions as before the transfer and while performing the

8. All expenses incurred by the Government on elementary education in any district shall be paid out of the Elementary Education Fund for that district.

(2) Education cess and contributions by local authorities.

9. The Government may, for carrying out the purposes of this Act, levy throughout or any specified part of Mysore, any education cess or an additional education cess on such items of land revenue, revenue forming part of a district fund, and municipal tax, and at such rates, as it may deem necessary

10. Any education cess hitherto levied or any cess levied or collected for the purposes of elementary education by a District Board, Municipal Council or any other local authority under the provisions of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extentas heretofore and shall be paid to the Government in such manner as may be prescribed.

Chapter IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each district a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In districts where district Boards are in existence, such district boards, and in other districts such local authority as the Government may prescribe shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education ~~Xxxx~~ Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the district board or other local authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the district.

15. Casual vacancies occuring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each or any District Education Committee a Secretary with such duties and powers as may be prescribed.

17. It shall be the duty of a District Education Committee to meet once annually and at such other time or times as the Government may direct and, -

(1) consider any plans or programmes for the expansion and development of elementary education in its district for the year next succeeding such meeting which may be placed before it by the education department or such other authority as may be prescribed, and submit its report thereon to the prescribed authority:

(2) advise upon any matters relating to elementary education referred to it by the education department: and

(3) consider, any matters relating to elementary education which it may deem fit to do and submit any recommendations in this behalf to the prescribed authority.

Central Education Board.

18. There shall be constituted for Mysore, a Central Education Board for elementary education, consisting of a President to be appointed by the Government and such number of members as the Government may prescribe;

Provided that the number of members shall not be less than the number of District Education Committees constituted in Mysore.

19. Every District Education Committee

shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government may appoint such number of members as may be prescribed but not exceeding the number of members elected to it.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided however that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. The Central Education Board shall have a Secretary who shall be appointed by the Government, with such duties and powers as may be prescribed.

22. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

23. The Central Education Board shall meet at such times and as often as may be prescribed.

24. It shall be the duty of the Central Education Board to, -

(i) consider all reports submitted by the District Education Committees under section 17, which shall be placed before it,

(ii) advise upon all such matters as may be referred to it by the education department, and

is a reasonable excuse for nonattendance:-

(i) that there is no elementary school which the child can attend within a distance of one mile measured according to the nearest road from the residence of the child;

(ii) that the child has been prevented from attending school by sickness or other unavoidable cause: or

(iii) that the child is receiving instruction in some other satisfactory manner.

(2) Where a reasonable excuse for non attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

28. If religious classes are held in any elementary school in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

29. No person shall, without the permission of the education department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an elementary school under this Chapter.

30.(1) A parent who without lawful excuse fails to send to an elementary school any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable

liable ~~to~~ on conviction by a magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

31. Any person who knowingly employs any child in contravention of the provisions of section 29, shall, on conviction before a magistrate be liable to a fine not exceeding twenty rupees.

32. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

Chapter VII.

MISCELLANEOUS.

33. The Government may delegate any of its powers under this Act to the Education Department.

34. The Government may for any of the purposes of this Act declare any school providing elementary education and not established or maintained by it to be an elementary school and thereupon all or such of the provisions of this Act as may be prescribed ~~that~~ shall apply to that school or if it were an elementary school.

35. The Government may make rules to carry out all or any of the purposes of this Act

In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate

(1) the levy of education cess under section 9;

(2) the manner of election to, and the

the working of the district education committees and the Central Education Board:

(3) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised;

(4) the authorities to submit plans or programmes to District Education Committees and the authorities to receive their reports or recommendations;

(5) the powers and duties of the Secretary to a District Education Committee or to the Central Education Board.

(6) the term of the Central Education Board;

(7) medical inspection and fees for such medical inspection or for promoting social and physical training of children;

(8) the authority and the manner of issuing of certificates of exemption;

(9) the authority and the manner of issuing a warning to a parent under section 30.

Members Copy

NOTIFICATION.

No. 3091—*L. C., dated Bangalore, the* 10*th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Elementary Education Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,
Mysore Legislative Council.

THE MYSORE ELEMENTARY EDUCATION BILL.

(A Bill to amend and consolidate the law relating to Elementary Education in Mysore.)

WHEREAS the existing arrangement under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results; and WHEREAS it has become necessary for the Government to resume control of Elementary Education in order to make more satisfactory provision for its progressive expansion, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the

Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930 is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933;

(4) "Education Department" means the Director of Public Instruction in Mysore, and any officer or authority subordinate to him, to whom any of his functions may be delegated by the Government;

(5) "Elementary Education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved from time to time by the Government for the purposes of this Act;

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

CHAPTER III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited :—

(*i*) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under Section 4.

(*ii*) all amounts provided by the Government for Elementary education in such District,

(*iii*) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government.

(*iv*) all fines and penalties levied under this Act in respect of cases arising within such District, and

(*v*) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District.

(2) EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.-

9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Muncipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provision of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

CHAPTER IV

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members, as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in

making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

Central Education Board.

18. There shall be a Central Education Board for Elementary education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District

Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to—

(i) consider the reports submitted by the District Education Committees, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

Tuition Fees.

24 No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for readmission of the pupil into the School.

CHAPTER VI.

Compulsory Education.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child:

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary School in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an Elementary School under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary School any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9;

(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board;

(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised;

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(v) medical inspection and fees for such medical inspection or for promoting social and physical training of children;

(vi) the authority and the manner of issuing certificates of exemption; and

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THE MYSORE ELEMENTARY EDUCATION BILL.

Statement of Objects and Reasons.

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reaching the goal of universal elementary education.

The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been realised. There has been no increase either in the number of

schools or in the number of scholars. To investigate into the causes for this slow progress, a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be far better for Government tores ume control over elementary education.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies—District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

Printed by the Superintendent at the Government Press, Bangalore.

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No. 3091—*L. C., dated Bangalore, the* 10*th December* 1940.

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PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the

Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930 is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

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(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

Transfer of Property and Control to the Government.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

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Elementary Education Fund.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited :—

(*i*) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under Section 4.

(*ii*) all amounts provided by the Government for Elementary education in such District,

(*iii*) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government.

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(*v*) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District.

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9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Muncipal tax, and at such rates, as it may deem necessary.

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DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

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(2) The other half of the members of the Committee shall be appointed by the Government, which, in

making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

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24. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for readmission of the pupil into the School.

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25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

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(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child:

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(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

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MISCELLANEOUS.

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(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9;

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(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised;

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Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

Printed by the Superintendent at the Government Press, Bangalore.

The Government may for carrying out the purpose of this Act levy throughout or in any part of Mysore an Education Cess or an additional Education Cess on any or all such items of State Revenue or revenue forming part of a tax under the Municipalities Acts 1933 or the District Board Act, 1926 and at such rates not exceeding those specified in the schedule to this Act;

If increase is found to be necessary it shall be effected only after approval, by a resolution of the Legislative Council.

SCHEDULE.

Items on which Cess may be levied.	Maximum rate of ~~Cess~~ Levy.
Items on which Cess is now levied	3 pies in addition to the present rate of levy so as not to exceed a total of 9 pies in the rupee.
Municipal Revenue and District Board Revenue. Tax on buildings and Lands. Taxes on vehicles and animals. Professional Tax.	2 annas in the rupee.

The first thing to be
done is to
[illegible]
[illegible]
[illegible]

Report of the Select Committee on the Mysore Elementary Education Bill.

WE, the members of the Select Committee to which the Mysore Elementary Education Bill was referred, have considered its several clauses and have the honour to submit the following report:

We recommend that the preamble to the Bill may be recast as follows:-

> *"Whereas the existing arrangements for the management of Elementary Education have proved inadequate; and*
>
> *"whereas it has become necessary for the Government to resume charge of Elementary Education ~~not~~ in order to make more satisfactory provision for its progressive expansion;*
>
> *"it is hereby enacted as follows:-"*

In clause 6 of the Bill, we recommend that the word "servants" may be substituted for the word "menials".

In clause 7, we recommend that wherever the words "such District" occurs the words "that District" may be substituted and we further recommend that the words "from time to time" may be inserted in clause 2 after the word "Government".

Sub cl. ii of Cl 7.

~~*There was some discussion on clause 9.*~~

We recommend that the following clause may be substituted for clause 9:-

> *"The Government may, for carrying out the purposes of this Act levy throughout or in any part of Mysore an Education Cess or an additional Education Cess on any or all such items of State revenue or revenue forming part of a tax under the Municipalities Acts 1933 or the District Board Act, 1926, at such rates not exceeding those specified in the schedule to this Act;*
>
> *"The Government may subject to the approval of the Legislative Council by resolution recorded in this behalf alter or add to the rates prescribed in the schedule and such alteration, or addition ~~on cancellation~~ when prescribed in the official gazette shall have the force of law and all references in the Act to the schedule shall be construed as refer-*

9 (by notification)

referring to such schedule as is in force at the time."

Messrs. H.B. Gundappa Gowda, D.H. Chandrasekharayya and H. Lingappa were of opinion that a provision should ~~not~~ be made in the ~~schedule for the levy of an additional cess~~ on ryotwari assessment. The majority were however of opinion that as the rates specified in the schedule are only the maximum rates not exceeding which cess may be levied, and in view of the promise made by the Government that the increased cess on ryotwari assessment would not be levied ~~under~~ conditions ~~made by~~, the clause may remain as above.

We recommend that sub-clause 2 of clause 12 may be more appropriately recast as follows:-

"(2) the other half of the members of the Committee shall be appointed by the Government having regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities."

We recommend that clause 17 may be recast as follows:-

"The District Educational Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes placed before it for the expansion and development of Elementary Education in its District for the year next succeeding such meeting and advice upon any matters relating to Elementary Education referred to it by the Educational Department or the Central Education Board."

We recommend that the proviso to clause 23 may be recast as under:-

"Provided that for the medical inspection of a child or for promoting its civic or physical training or for its readmission into the school, such amount as may be prescribed shall, if so ~~direct~~ directed by notification in the Official Gazette by the Government, be payable by a parent once in a year in one or more instalments."

In clause 31, we recommend that the word "effectively" may be transposed from its present position to after the word "chapter".

In ~~sub~~-clause (ii) of sub-clause (2) of clause 34, we recommend that the following words may be added at the end, viz.-- "including their expenditure", and in ~~sub~~ clause (v)

9 lakhs

SCHEDULE

Items on which cess may be levied.	Maximum rate of levy.
1. Items on which local cess is now levied.	3 pies in addition to the present rate of levy so as not to exceed a total of 9 pies in the rupee.
2. Municipal Revenue and District Board Revenue.	
Tax on buildings and lands.	2 annas in the rupee.
Taxes on vehicles and animals.	
Professional Tax.	

at the beginning,
that the following may be added, viz., "readmission fees" and the word "social" occurring therein may be changed to the word "civic".

We also recommend the addition of a new clause to the Bill, viz.,

"35. The Government shall cause a comprehensive statement on the working of the Act to be placed before the Houses of Legislature once a year."

We have also suggested some verbal corrections to be incorporated in the Bill.

As these amendments do not materially alter the Bill we recommend that the Bill as amended need not be republished.

K. Ananthasayanam
16.1.41

H.V. Narayanarao

A. Rahamath

G. McAlpine 16/1/41

D.V. Gundappa.

H. Chandrashekharaiya.

H. Linga Rao

Anantapur

M. Ba. Mundargi

Mohammed Abbas Khan

I request my marginal notes may kindly be considered.

Serial No.

L.C. Office for kind of stating if there are any opinions or amendments to the Election Bill.

19/1/61

No amendments have been received in this Office (5.30 P.M.

Eden. Br)

13.1.61

Inter

OFFICE OF THE SECRETARIAT
13 JAN 1961
ASSEMBLY
REPRESENTATIVE

NOTE—Contn. Sheet.

Nap. been given to
the Kind in Assembly
Secretariat

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 3606-13 Dated, Bangalore, 15th January 1941

Official Memorandum.

A meeting of the Select Committee appointed to consider the Elementary Edn Bill will be held in the Chambers of the Secretary Member of Council, Public Offices Buildings, Bangalore at 9 A.M. on Thursday the 16th January 1941

By Order,

Secretary to the Committee.

To

Collr of Ctb & Gn
making seating
arrangements & lunch
(2) R.A. of D.C. Office
3) P.A. to Member

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P. 3606-13. Dated, Bangalore, 15th January 193 xx 1941.

Official Memorandum.

A meeting of the Select Committee appointed to consider the Mysore Elementary Education Bill will be held in the Chambers of the Second Member of Council, Public Offices Buildings, Bangalore at 8A.M on Thursday the 16-1- 193 xx 1941.

By Order,

K. N. Haridasaraya
Secretary to the Committee.

To

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By Order,

M.K. Haradaraja Iyer

Secretary to the Committee.

To

REPORT OF THE SELECT COMMITTEE ON THE MYSORE ELEMENTARY EDUCATION BILL.

We, the members of the Select Committee to which the Mysore Elementary Education Bill was referred, have considered its several clauses and have the honour to submit the following report :—

We recommend that the preamble to the Bill may be recast as follows :—

" WHEREAS the existing arrangements for the management of Elementary Education have proved inadequate ; and

" WHEREAS it has become necessary for the Government to resume charge of Elementary Education in order to make more satisfactory provision for its progressive expansion;

" It is hereby enacted as follows :—"

In clause 6 of the Bill, we recommend that the word "servants" may be substituted for the word " menials."

In clause 7, we recommend that wherever the words " such District " occur, the words " that District " may be substituted and we further recommend that the words " from time to time " may be inserted in clause 2 after the word " Government."

We recommend that the following clause may be substituted for clause 9 :—

" The Government may, for carrying out the purposes of this Act levy throughout or in any part of Mysore an Education Cess or an additional Education Cess on any or all such items of State revenue or revenue forming part of a tax under the Municipalities Act, 1933, or the District Board Act, 1926, at such rates not exceeding those specified in the schedule to this Act;

" The Government may, subject to the approval of the Legislative Council by resolution recorded in this behalf, alter, or add to, the rates prescribed in the schedule and such alteration or addition when prescribed in the Official Gazette shall have the force of law and all references in the Act to the schedule shall be construed as referring to such schedule as is in force at the time."

Messrs. H. B. Gundappa Gowda, D. H. Chandrasekharayya and H. Lingappa were of opinion that a provision should be made in the schedule to exempt ryotwari assessment from the levy of any additional cess. The majority were however of opinion that as the rates specified in the schedule are only the maximum rates not exceeding which cess may be levied and in view of the promise made by the Government that the increased cess on ryotwari assessment would not be levied unless conditions improved, the clause may remain as above.

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We recommend that the proviso to clause 24 may be recast as under:—

"Provided that for the medical inspection of a child or for promoting its civic or physical training or for its re-admission into the school such amount as may be prescribed shall, if so directed by notification in the Official Gazette by the Government, be payable by a parent once in a year in one or more instalments."

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"35. The Government shall cause a comprehensive statement on the working of the Act to be placed before the Houses of Legislature once a year."

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SCHEDULE.

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„ D. H. Chandrasekharaiya.
„ H. Lingappa.
„ E. G. McAlpine.

Printed by the Superintendent at the Government Press, Bangalore.

G. R. S. VI.—s-III/14]

DRAFT.

SUBJECT.....

.....

.....

Section. Legis
File No. 43-40
Serial No. 1

Diary No. of letter replied to.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

Order No. P4325

GENERAL AND REVENUE SECRETARIAT,

( ),

, the.....*191* .

Ordered that the accompanying Act to amend and Consolidate the law relating to Elementary Education in Mysore which received the assent of His Highness the Maharaja, on the twelfth day of February 1941, be published as ~~Regulation~~ Act No. VI of 1941, in the *Mysore Gazette* for general information.

Date of issue 22/2/41

Signed by Mr. H.Y.N.

Hm 21/2/41
Secretary to Government.
Law Dept

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada part?

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies as per standing orders .....spare copies in English and .....spare copies in Kannada to this office, and.....spare copies in English and.....spare copies in Kannada to the Curator, Government Central Book Depot, Bangalore. Proofs for Clearance should be sent to this office for approval before publication.

Copy Shankara Sastri.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Order No. P. 4375 Legs'43-40-1

Bangalore, dated the 22nd February 1941.

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22/2/41

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies as per standing orders. Four clean proofs should be sent to this office for approval before publication.

Corrected copy.

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"The Government may, subject to the approval of the Legislative Council by resolution recorded in this behalf, alter, or add to, the rates prescribed in the schedule and such alteration or addition when prescribed in the Official Gazette shall have the force of law and all references in the Act to the schedule shall be construed as referring to such schedule as is in force at the time."

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„ D. H. Chandrasekharaiya.
„ H. Lingappa.
„ E. G. McAlpine.
„ Mahomed Abbas Khan.

Printed by the Superintendent at the Government Press, Bangalore.

THE MYSORE ELEMENTARY EDUCATION BILL.

(A Bill to amend and consolidate the law relating to Elementary Education in Mysore.)

(As amended by the Select Committee.)

[*Omissions are indicated in square brackets and additions are shown in italics.*]

[WHEREAS the existing arrangement under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results; and WHEREAS it has become necessary for the Government to resume control of Elementary Education in order to make more satisfactory provision for its progressive expansion, it is hereby enacted as follows:—]

WHEREAS the existing arrangements for the management of Elementary Education have proved inadequate; and

WHEREAS it has become necessary for the Government to resume charge of Elementary Education in order to make more satisfactory provision for its progressive expansion;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1941.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas, and on and from such date or dates as the

Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933;

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or authority subordinate to him, to whom any of his functions may be delegated by the Government;

(5) "Elementary Education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved from time to time by the Government for the purposes of this Act;

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of [any] *a* child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

Transfer of Property and Control to the Government.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and [menials] *servants* serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

CHAPTER III.

Elementary Education Fund.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited :—

(i) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of [such] *that* District or part of [such] *that* District and vesting in the Government under section 4;

(ii) all amounts provided by the Government for Elementary Education in [such] *that* District, from time to time

(iii) the amount of all collections from education cess levied in [such] *that* District, except such amount as was expended for purposes other than Elementary Education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government,

(iv) all fines and penalties levied under this Act in respect of cases arising within [such] *that* District, and

(v) all fees collected within [such] *that* District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary Education in any District shall be paid out of the Elementary Education Fund for that District.

(2) EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.

[9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Municipal tax, and at such rates, as it may deem necessary.]

9. (1) *The Government may, for carrying out the purpose of this Act levy throughout or in any part of Mysore an Education Cess or an additional Education Cess on any or all such items of State revenue or revenue forming part of a tax under the Municipalities Acts, 1933, or the District Boards Act, 1926, at such rates not exceeding those specified in the schedule to this Act.*

The Government may subject to the approval of the Legislative Council by resolution recorded in this behalf alter or add to the rates prescribed in the schedule and such alteration or addition when ~~prescribed~~ published in the Official Gazette shall have the force of law and all references in the Act to the schedule shall be construed as referring to such schedule as is in force at the time.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provisions of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

CHAPTER IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman

and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

[(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.]

(2) the other half of members of the Committee shall be appointed by the Government, having regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee [has been] *is* constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination or election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

[17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary Education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.]

17. The District Education Committee shall ordinarily meet once a year ~~or at such other time or times as the Government may direct and~~ consider any plans or programmes placed before it for the expansion and development of Elementary Education in its District for the year next succeeding such meeting and advise upon any matters relating to Elementary Education referred to it by the Education Department or the Central Education Board.

CENTRAL EDUCATION BOARD.

18. There shall be a Central Education Board for Elementary Education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, [as well as] *and* the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall [be such as may] be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled [up] by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to—

(i) consider the reports submitted by the District Education Committees, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for Elementary Education managed by the Government.

[Provided that such amount as may be prescribed shall, if so directed by notification in the Official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for re-admission of the pupil into the School.]

Provided that for the medical inspection of a child or for promoting its civic or physical training or for its re-admission into the school such amount as may be prescribed shall, if so directed by notification in the Official Gazette by the Government be payable by a parent once in a year in one or more instalments.

CHAPTER VI.

Compulsory Education.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year [or] *for* such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child,

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any elementary school in an area to which the provisions of this Chapter

have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school hours any child between the ages of six and ten, who is required to attend an Elementary School under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary School any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction [before] *by* a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for [effectively] carrying out the provisions of this Chapter *effectively*, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary School and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary School.

34. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9;

(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board *including their expenditure*;

(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised ;

(iv) the term of the Central Education Board ;

(v) *re-admission fees*, medical inspection and fees for such medical inspection or for promoting [social] *civic* and physical training of children ;

(vi) the authority and the manner of issuing [of] certificates of exemption ; and

(vii) the authority and the manner of issuing a warning to a parent under section 29.

35. The Government shall cause a comprehensive statement on the working of the Act to be placed before the Houses of Legislature once a year.

SCHEDULE.

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1. Items on which local cess is now levied.	*Three pies in addition to the present rate of levy so as not to exceed a total of 9 pies in the rupee.*
2. Municipal Revenue and District Board Revenue : *Tax on buildings and lands.* *Taxes on vehicles and animals.* *Professional Tax.*	*Two annas in the rupee.*

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